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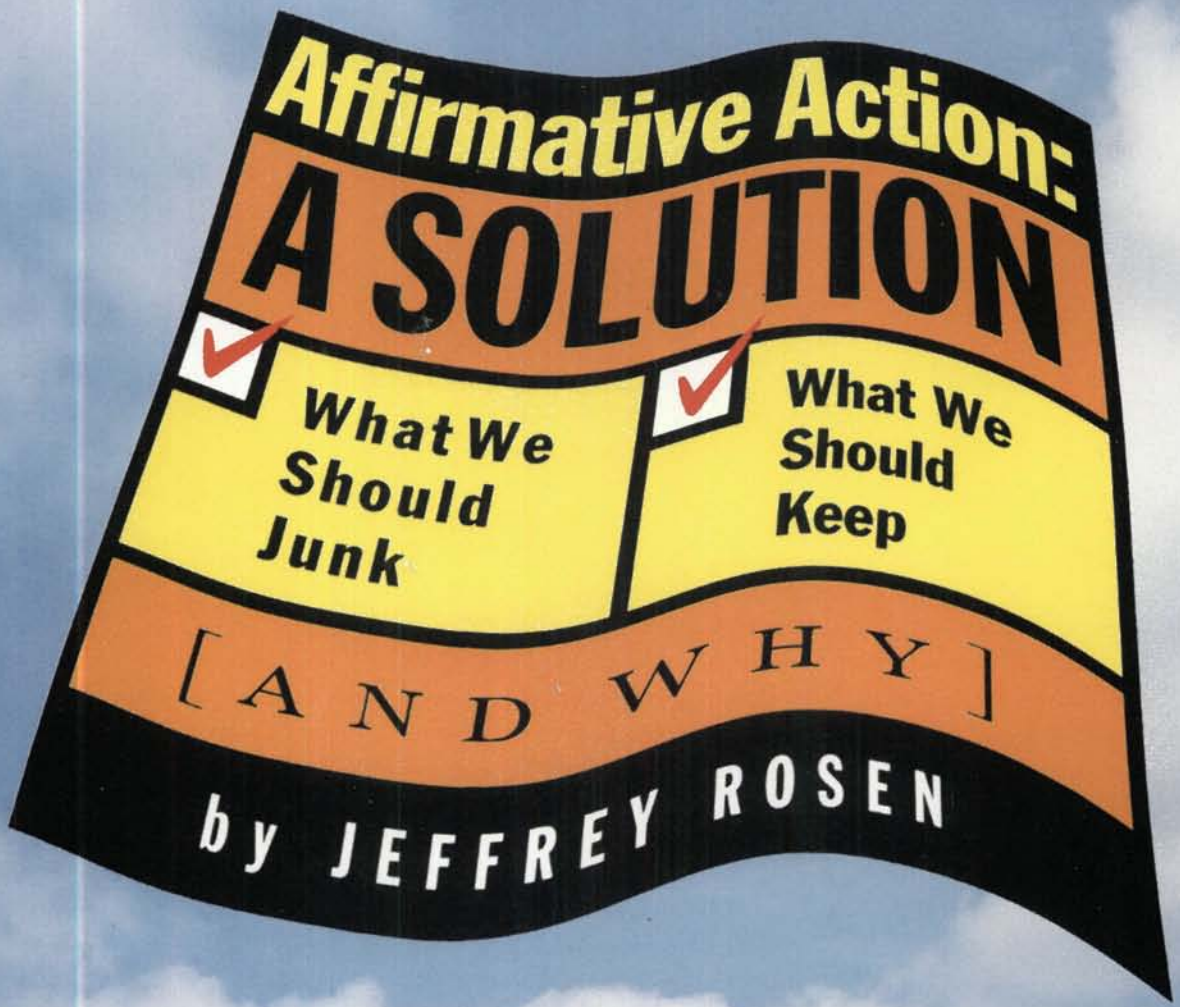
# THE NEW REPUBLIC

MAY 8, 1995 • $2.95

Kinsley vs. Robertson • Kaus vs. McCaughey

National Magazine Award WINNER Public Interest Journalism

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# Inspiring Future Scientists

Lydia Cheng watches as Dr. Laurie Gage takes a sample of stomach contents from a dolphin at Marine World Africa USA in Vallejo, California.

## *Real Science!* Draws Teens to Careers

Imagine your kids switching channels to watch a teen reporter petting a pregnant dolphin, hunting dinosaur tracks in Utah or blasting off for Mars via virtual reality.

It could happen, thanks to a new public television program, *Real Science!* Created by KTEH-TV in San Jose, with support from Hitachi, this fast-paced series features teen reporters visiting with scientists to find out what they do, why they enjoy it, and what teenagers can do to prepare themselves for similar careers.

*Real Science!* was developed to change American teens' attitudes towards the sciences. Statistics reveal a striking drop in interest in science by the time students reach the seventh grade. Equally alarming, American teens rank behind teens in other countries in scientific proficiency.

Hitachi is helping to reverse this trend by donating use of its TV facilities and committing $90,000 to produce and distribute *Real Science!* Four episodes are currently airing on public television and in schools, and 13 more are planned for the fall.

The show's producer, Maura Daly Phinney of San Jose public television station, KTEH, says *Real Science!* has one overriding goal: "We want the program to encourage students to pursue careers in science."

Hosted by California's 1994 Young Woman of the Year, Lydia Cheng, the series appeals to young people ages 8 to 18. Each 30-minute episode includes segments on three different science careers. Viewers accompany teenagers as they visit scientists, who demonstrate and explain their day-to-day work.

Supporting *Real Science!* is just one way Hitachi fulfills its social commitments. "We want to enrich the lives of young people by giving them fuel for their dreams," said Fred Hansen, executive vice president of Hitachi Data Systems. "Society's future rides on the hopes of today's youth, and we owe them an opportunity to create rewarding careers and fulfilling lives."

Maura Daly Phinney, producer of the *Real Science!* series.

Hitachi's outreach efforts include direct funding of projects like *Real Science!*, as well as donations and employee volunteerism for a host of national, regional and community-based projects. These activities benefit education, the arts, the environment, health care and social services.

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THE NEW REPUBLIC

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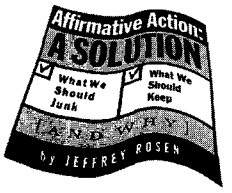


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# CORRESPONDENCE

## Director's cut

**To the editors:**
There's little to argue with in John H. Richardson's dissection of Hollywood's ills ("Dumb and Dumber," April 10)—except that, in attempting to absolve Ricardo Mestres and Jeffrey Katzenberg of the blame for the dazzling witticism "Nice titties" in *Taking Care of Business*, he pins it on, of all people, the director.

Now Arthur Hiller may not be Anthony Asquith, but he did manage to film Paddy Chayefsky's script for *The Hospital* and Andrew Bergman's for *The In-Laws* without adding "What a pair o' tomatoes!" or "Check out the melons on that honey." And the credits for *Taking Care of Business* show two writers (no doubt there were many more), one of whom is none other than the screenwriter Richardson singles out elsewhere as the epitome of the writing-by-the-numbers school: Jeffrey Abrams. So why's he keeping his cover here?

It's easy enough to imagine what really happened. Abrams or someone just like him probably added "Nice titties" during one of the executive-requested rewrites ("Give him something to say here like his brother John woulda said in *Animal House*"). Then again, maybe it was Hiller after all who, despairing of ending the scene to the satisfaction of the executives breathing down his neck, gave them exactly what they were expecting—silently telling his poor dead colleague Paddy that it was the only way left to screw the bastards.

MICHAEL GEBERT
*Chicago, Illinois*

**To the editors:**
The main thrusts of John H. Richardson's article are that today's Hollywood films "suck," that they "are in terrible shape" and that Hollywood is, nowadays, making "lite movies."

His article and the sentiments that fuel it are overwrought, monumentally simplistic and, in sum, outright wrong. The film industry, like just about any other industry, is cyclical, capable of ups and downs, good days and bad days. Hollywood will soon shake itself out of its creative rut, refocus itself and give us quality pictures again.

If Hollywood can survive *Dick Tracy*, *The Marrying Man*, *Wyatt Earp* and the maturation of Macaulay Culkin, it can survive anything.

DUANE BROOKS
*Pittsburgh, Pennsylvania*

**To the editors:**
John H. Richardson's "Dumb and Dumber" is a concise account of the neurotic nature pervading contemporary Hollywood. It's odd that these people put themselves through such absurdity just to bait the attention of a bored customer wandering through a Blockbuster Video on a drizzly Tuesday night. Or perhaps that is precisely the reason.

DAVID MARTIN
*Shrewsbury, New Jersey*

## Tennessee tuxedo

**To the editors:**
I am surprised to see an article in TNR that ridicules someone's regional speech patterns as Ruth Shalit does in her article about Fred Thompson ("Reagan Redux," April 10). I did not vote for Fred Thompson and I'm no big fan of his, but I am offended by her writing "Ah" every time Fred says the word "I." This may be funny in The Flapjack File, but it's not really appropriate in a supposedly serious article about a person's politics. If you're going to make fun of Fred that way, it's only fair to ridicule Barney Frank, who has just as strong a regional accent as Thompson's. It's just that since Frank's is a Brooklyn accent, it's considered, I suppose, educated-sounding rather than ignorant-sounding like that of Fred and a lot of us other Southerners.

SHANNON STONEY
*Cookeville, Tennessee*

## Rambling

**To the editors:**
In the second sentence of my *Walter Benjamin for Children* ("The Man with Qualities," April 10), David Stern would have learned that the surviving thirty scripts Benjamin wrote for children's radio, the subject of the book, were on the order of fireside chats. In his review, he nonetheless refers to them as "plays"—"truly fascinating" plays at that. Your readers may be hesitant to trust the judgment of a reviewer unfamiliar enough with the subject to confuse a twenty-minute rambling talk with a play and want to consult, for more on the matter, the ten or so radio scripts analyzed in my book on the subject of bluff.

JEFFREY MEHLMAN
*Boston, Massachusetts*

## Ruptures

**To the editors:**
It is unfortunate that the pseudonymous patient who complains that Tufts Health Plan now limits referral authorizations to three months ("H.M.Overdose," April 10) received inaccurate information: we never changed our policy of honoring referrals for a year.

Still, managed care does mean that someone is coordinating your care, even the routine stuff. That coordination is integral to reducing cost, assuring quality and often increasing access. That's why, for instance, a recent study presented in *The New England Journal of Medicine* finds that HMO patients are more likely to receive prompt care for appendicitis (fewer ruptures) than individuals in other plans.

Much as we would like to, no one yet has devised a system that scrutinizes only inappropriate referrals or lavish waste. For example, Casey Thomas complains of our thirty-day limit on prescription refills. Not all prescriptions for more than thirty days entail waste, but a substantial proportion of them do; they also increase the chances of adverse drug interactions. So we generally limit refills to thirty days, but we do have a ninety-day refill program for maintenance drugs and an override for special situations such as prolonged travel. Yes, Thomas would have had to pay for a thirty-day supply and then bill us for repayment. But unmanaged health plans (like the one she loved, but that dumped her) generally make subscribers submit all drug claims for reimbursement.

HARRIS A. BERMAN
*President, Tufts Associated Health Plan*
*Waltham, Massachusetts*

**To the editors:**
Regarding Casey Thomas's hyperbolic screed on the managed care model of health care delivery: as I understand it, Thomas's chief complaint with her managed care plan has to do with the inconvenience it causes her. With her previous health insurance, Thomas could see any physician, any time, for any reason, and could partake of health care services of her choosing, whether or not those services were medically appropriate. Now she must have a physician professionally judge the appropriateness of the medical care she seeks.

If that judgment creates a conflict with her requirement of maximum convenience, her conclusion is that managed care is a less effective and less desirable model for health care delivery than traditional fee-for-service health care. Given the relative value that she places on convenience over appropriateness and effectiveness, she may be right. Those of us who see health care through a different prism, however, would disagree.

ROBIN L. KAPLAN
*Chicago, Illinois*

**To the editors:**
Perhaps Casey Thomas, if she has "one not-serious chronic problem" for which



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she takes a "daily pill," shouldn't be referred to her specialist at all. Why can't Thomas's primary care provider manage this without requiring the twice-yearly specialist visits—and at a lower cost and with equal benefit to Thomas?

Perhaps Thomas could, if necessary, have been referred to a physical therapist by the internist after her knee injury instead of seeking a specialist as the provider of first resort. While Thomas may be a sophisticated health care consumer and may properly assess when she needs a specialist, perhaps Dr. Gatekeeper is sufficiently skillful in dealing with her problems to avoid the need (at least initially) for a consultative specialist.

My mother wisely said, "You don't ask a barber whether you need a haircut."

ROBERT MATZ
*Hastings-on-Hudson, New York*

## Up in flames

**To the editors:**

Gary Chapman's description of the Internet ("Flamers," April 10) suffers from a flaw that has become endemic in the mass media: an emphasis on the lurid, titillating aspects of the net. Keeping the focus on verbal abuse, underage sex, neo-Nazis and social breakdown no doubt makes for a more entertaining article, but it comes at the expense of a balanced viewpoint.

I could write just as slanted a piece in the other direction. I could recount anecdotes of the hundreds of times I've been helped by complete strangers. I might counter Chapman's charges of "prevalent" misogyny with tales of men and women thoughtfully communicating about topics of mutual interest. Descriptions of liberated shut-ins would be a good counter to the specter of irresponsible teenagers.

Your readers should be reminded that the Internet is a worldwide society, an ongoing conversation more diverse than any known before. To describe such a community as Chapman does is unwarranted and unfair.

STEVEN SNYDER
*Kirkwood, Missouri*

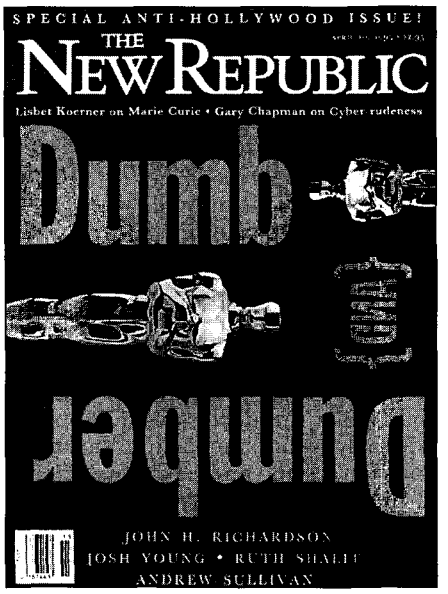
## Vindictiveness

**To the editors:**

"Victim Justice" (The Editors, April 17) correctly raised concerns about the impact of victim participation in the sentencing process. The introduction of such emotionalism and the risk of resulting unfairness outweigh the value to the victims of "being heard."

But watching Colin Ferguson's sentencing hearing left me with a very different impression than that conveyed by your editorial. You quoted one victim who spoke with understandable rage and vindictiveness. That statement was the exception. The majority of the victims who spoke did so clearly and calmly, with remarkable composure and true eloquence. Most victims did not really address the sentencing judge, although that was the ostensible reason for their participation. What they really wanted was an opportunity to address the defendant. They wanted to tell him the impact of his crime, the value of a precious life he had taken or the damage wrought by the wounds he had inflicted.

"Victim allocution" is bad policy because it invites the sentencing judge to react to emotionalism and risks the uneven application of sentencing laws. But it should not be beyond our ability to




devise a separate proceeding, perhaps after sentencing, in which a convicted defendant could be forced to listen to what his victims have to say.

JAMES W. ELLIS
*Albuquerque, New Mexico*

**To the editors:**

I've been an adult probation officer for sixteen years and have prepared or reviewed hundreds of victim impact statements that gave an "objective assessment of the harm caused by the crimes." Here in New Mexico the defendant, by statute, has a right to speak directly to the court at sentencing. These speeches can become quite emotional and can inflame the judge.

If you are going to advocate victims speaking through an uninvolved third party, you should also support the idea that the defendants do the same. Until this dispassionate channeling can be even-handedly implemented, let's keep the playing field level and let victims have their say in court, in person.

As you wrote, "Perhaps the liberal state can't be saved from the hydraulic pressure of emotionalism. But a liberal legal system cannot survive it." Your point needs to be applied to both parties wherever applicable.

CRAIG PETERSON
*Hobbs, New Mexico*

**To the editors:**

Victim justice should include a confrontation. Especially in egregious cases like Colin Ferguson's, the victim should have an opportunity to vent his or her wrath directly at the perpetrator.

The legalistic tone of your article ignores the overriding need for the victimized to face down their attackers. If that's emotional, so be it. Judges, too, will have to learn to deal with it. Is your position yet another example of what happens when the lawyers take over?

JAMES MCWILLIAMS
*Sisters, Oregon*

## Out to lunch

**To the editors:**

In your editorial "No Free Lunch" (April 10), you make the point that the 4.5 percent funding increase proposed by the Republicans will not cover the projected rise in inflation and enrollment. This makes sense, if one is prepared to believe government projections. A book of such projections that have proven accurate, however, would be a slim volume. See Medicare, 1964, estimates of 1990 costs, low by an order of magnitude, or Department of Energy estimates in the '70s of $2.50-per-gallon gasoline by 1980.

This form of budgeting assumes all current services will need to be continued in perpetuity. As your article pointed out, we now subsidize poor students at $1.90 per meal, and others at 31 cents each. Even accepting the 20 percent figure for children living in poverty, a figure which does not count any non-cash assistance, why are we not letting the parents of 80 percent of students pay their own way?

Visit a school lunchroom. You will see obese children getting free lunches, children who ride in BMWs getting subsidized meals and tons of wasted food. Sure, there are needy children who require all the nutritional help we can give, but we could provide them more individually at less cost overall. Whether this will be best accomplished by state or federal bureaucracies is a legitimate question subject to empirical evidence. The popular charge that Republicans will cause tiny, emaciated corpses to litter schoolyards is ludicrous.

JIM RYAN
*San Angelo, Texas*



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# TRB®

## FROM WASHINGTON

## No exegesis

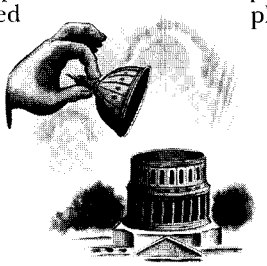
Guess who just won the National Magazine Award for "Excellence in Public Interest"? We did! We won it for Elizabeth ("Betsy") McCaughey's articles on the Clinton health plan. McCaughey "waded through all 1,364 pages of the health care reform package," the judges said, then she "tore it apart." Her "carefully researched" pieces "transcended the coverage in most of the press. More than any other single event in the debate, what she wrote stopped the bill in its intellectual tracks."

So why don't I feel more like celebrating? Is it because, as a *New Yorker* editor publicly complained, the McCaughey articles seemed to have been "nominated for buzz"? Perhaps. But does *The New Yorker* not care about buzz? (Tell it to the Easter Bunny.) Is it because my colleague Michael Kinsley, in this space, denounced the initial McCaughey piece as a "screed," and James Fallows, writing in the *Atlantic*, said its claims were "simply false" and Theodore Marmor, professor of public policy at Yale, told me his fellow health experts of left, right and center consider McCaughey's articles "risible"?

Maybe all these people are just jealous. If they aren't, though, the award to McCaughey has not only validated a misleading view of the Clinton health plan, but also a peculiar idea of how journalists should affect public debate. To help resolve this issue, I have waded through all 9,000 words of Betsy McCaughey's critique and tens of thousands more words of controversy that followed. Here is what I found out:

*Did Clinton offer "no exit"?:* "If you walk into a doctor's office and ask for treatment for an illness, you must show proof that you are enrolled in one of the health plans offered by the government," McCaughey wrote, describing Clinton's proposal. "The doctor can be paid only by the plan, not by you." In other words, in the Clinton scheme you'd be at the mercy of your insurance plan. Unless it approved, you couldn't pay Doctor Welby to diagnose your stomach pain, even if you were willing to pay him yourself. In her second article, McCaughey specifically reaffirmed that "the bill prohibits doctors from accepting payments directly from you for the basic kinds of medical care" covered by insurance. Hence, "No Exit," the title of her cover story.

It turns out McCaughey misread the bill. It did ban Doctor Welby from accepting both a payment from an insurance plan and extra payment from a patient. (The idea was to control costs by forcing doctors to accept insurance money as payment-in-full.) But if you paid Doctor Welby entirely from your own funds, you could pay him to do anything you wanted. A clause on page 16 of the bill guaranteed this. The White House press office, in its ham-handed response to McCaughey, implied that this escape hatch worked only for medical procedures "outside" the basic services covered by insurance. But the press office misread the bill, too.



The obvious analogy, notes Clinton adviser Paul Starr, was to education. Everybody pays taxes to support public schools. Likewise, everyone in Clinton's scheme would have to pay for mandatory insurance. But if you don't like the public schools, you can use your own money to send your kid to private school. And if you didn't like the doctors your insurance company paid for, in Clinton's plan you could go out and hire your own doctors.

You can argue that Clinton should have offered *more* choice, enabling the affluent to pay physicians with a mix of insurance and their own money (though we don't let a rich man pay a public school teacher extra to give his kids special attention). But McCaughey's argument wasn't that Clinton didn't offer sufficient choice. The force of her articles derived from her claim that there was "no exit" from his mandatory insurance plans. She was wrong. Clinton's plan also opened a brand new "exit" for patients trapped in health maintenance organizations, giving them the right to see doctors outside their HMO. McCaughey simply ignored this feature.

*Would the plan doom fee-for-service medicine?* In "No Exit," McCaughey said "fee-for-service (choose-your-own-doctor) insurance" would be doomed because the Clinton bill "outlaws" plans costing more than 20 percent above average. But the bill didn't outlaw such plans. It said the government didn't *have* to offer them. In practice, Starr points out, fee-for-service plans aren't *that* much more expensive, and government officials would have a hard time dropping even an expensive plan that nevertheless attracted a big clientele willing to pay for it. (The government could cancel Social Security benefits, too, but it won't.)

*Did the plan ominously threaten privacy?* McCaughey made a big to-do over the bill's requirement that doctors report "clinical encounters" to a "national data bank containing the medical histories of all Americans." The White House answered: "Not true." An honest—and better—response would have been: "So what?" Virtually all Republican and Democratic reform plans provide for reporting such information, which is sloshing around the current private insurance system already. Clinton's bill actually had stronger privacy protections than its competitors. But individual records of treatment are necessary to help patients, who may have multiple insurers, get their benefits. Besides, wouldn't it be nice to have the national data that would enable doctors and consumers to determine, say, whether pallidotomy, the controversial new Parkinson's disease treatment, actually works?

McCaughey's "data bank" hysteria illustrates the pitfalls of the I-know-nothing-about-this-subject-but-I've-read-the-whole-bill methodology. A more comical example was her horror at discovering that the Clinton plan would pay only for "medically necessary or appropriate" treatment—as if all insurance policies don't contain a similar restriction now. A more damaging example was her attribution to the Clinton plan of all the horrors of HMO life—as if Americans weren't already being forced into HMOs and other managed care plans by the millions because that is all their employers offer. Clinton, by providing a menu of plans, would at least have opened up *some* choice.

McCaughey herself doesn't need journalism awards. The "buzz" from these two articles was enough to propel her into a successful Republican candidacy for the lieutenant governorship of New York. There she has been busy helping to herd Medicaid recipients into the heartless HMOs she denounced in her TNR pieces.

I don't mean to leave the impression that McCaughey's efforts were worthless. She did unearth some juicy provisions, like one steering medical training slots to "racial or ethnic minority groups" (though, like a good GOP apparatchik, she called this inchoate preference a "quota"). She got some things right. But she got a lot wrong. In the process, she completely distorted the debate on the biggest public policy issue of 1994. Give her a medal.

**MICKEY KAUS**



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THE NEW REPUBLIC

MAY 8, 1995

# EARTH TO CONGRESS

On the weekend of April 22, thousands of environmentalists are expected to make a pilgrimage to the nation's capital for the twenty-fifth anniversary of Earth Day. In typical green fashion, the event will likely be less a celebration than a wake. Speakers will warn of imminent ecological doom. Mary Chapin Carpenter will sing plaintively of lost forests and polluted streams. This is the sort of irritating alarmism that has beset the environmental movement in recent years. Of all protest groups, environmentalists have been least able to take yes for an answer. After all, as Gregg Easterbrook points out in his lucid new book, *A Moment on the Earth*, environmental legislation has been one of the few unalloyed triumphs of the Great Society. America is cleaner, healthier and more efficient than it was twenty-five years ago—and a lot of it has to do with environmental legislation. Do we really need more sermons from tree huggers?

Actually, the answer in 1995 may be yes. The past 100 days have seen a concerted attempt to roll back twenty-five years of environmental successes. By and large, Newt Gingrich's party shares little with Teddy Roosevelt's; for most of the Newtoids, the interests of business take precedence. The first clue came when the chairmanship of the House Natural Resources Committee fell to Don Young of Alaska, whose office looks like a hunting lodge, with stuffed moose lining the walls. Young has been waiting for years to wreak revenge on environmentalists, or, as he calls them, "the self-centered, waffle-stomping, Harvard-graduating bunch of idiots." Pleased to meet you, too. His first target is the Endangered Species Act, which he calls "out of whack." Soon after assuming his chair, Young created a task force to rewrite the act, and staffed it with loyalists.

A more dangerous assault on the act is already underway, however, in the form of the "Job Creation and Wage Enhancement" bill. Using two devices—regulatory reform and takings—this bill acts as a legislative neutron bomb, leaving the environmental legislation in place yet making it impossible to enforce. The first series of measures, while billed as "regulatory reform," actually opens the door for endless litigation, allowing companies to sue *before* regulations have been issued, based on preliminary rulings. It also lowers the bar for determining which decisions are subject to review, from those whose impact would cost $100 million to those costing $25 million. The Environmental Protection Agency estimates it would need 982 new bureaucrats and an extra $220 million to enforce these rules. So much for leaner government.

The takings provision requires an agency to compensate landowners whenever environmental regulations (on endangered species or wetlands) reduce the value of the owner's land by as little as 20 percent. If you buy a wetland, claim you were planning to build a mall on it and then complain, you'll be entitled to full compensation. Since the government can't allow itself to be liable for such potentially huge claims, the likely upshot is the gutting of environmental controls.

As it happens, conservatives' horror stories of a spotted owl landing in a farmer's backyard and crushing hopes of a new barn are extremely rare. In the twenty-one years since the Endangered Species Act was passed, only one person has filed a takings complaint. This is because the act as it stands is perfectly flexible: developers can make up for environmental damage they cause by enhancing animal habitats elsewhere or by designing a conservation plan.

For all Young's railing against "liberal special interests" in the name of ordinary "six-pack Joes," it's not hard to guess whose interests the Republicans have at heart. In March, after Young's task force held a town meeting with the citizens of Louisiana, the members were treated to dinner, as *The Washington Post* reported, courtesy of Louisiana Land Exploration Co. and the American Sugar Cane League. In April Senator Slade Gorton of Washington unveiled a bill to scrap major provisions of the Endangered Species Act. As members of his staff admitted, they saved themselves the trouble of drafting the text by handing the task to lawyers from the timber, mining, ranching and utility interests.

The good news is the Republicans' excesses may trigger a response. A recent study by the Environment Information Center shows that people are unaware of the GOP changes and react with horror when they learn of them. The measure of the green movement's success, then, will not be how many tie-dye wearers turn out for Earth Day rallies, but how many six-pack Joes, with twenty-five years of environmental improvement behind them, call their representatives this spring and tell them to lay off. •



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# NOTEBOOK

SIC TRANSIT: New Jersey Governor Christine Todd Whitman told *The Independent on Sunday*, a British newspaper, "There's a game called 'jewels in the crown' that young black males have and it's how many children you can sire outside of wedlock. You can't legislate against that."... Audrey Ausgotharp, a Jewish mother who allowed her children to visit the Cornerstone Baptist Church in Colorado Springs, Colorado, was told by the church that it had "accidentally" baptized her 7-year-old son Wayne during Sunday school.... A state medical board in Wilmington, North Carolina, ruled that neurosurgeon Raymond Sattler, investigated for leaving a patient's head cut open while he broke for lunch, may practice again provided he continues undergoing psychiatric and medical evaluations.... Austin, Texas, school officials reprimanded substitute teacher Margaret Ann Dolsky, 45, for drinking four cans of beer in class at Bedichek Middle School, before vomiting in front of her students.... Joan Sudwoj and Cynthia Balconi were ejected by police from the Blessed Sacrament Cathedral in Greensburg, Pennsylvania, after they ignored repeated pleas of church officials and a court order to cease reciting the rosary so loudly it disrupted church services.... Sheboygan, Wisconsin, announced plans to build the Bratwurst Hall of Fame.

THE PRESIDENT AND VIETNAM: Who says the president isn't constant? He can always be relied upon to hit the wrong note. No sooner had Robert McNamara published his contemptible book on Vietnam than Bill Clinton praised him for a "lot of courage." The reason for the president's admiration was simple: the book seemed to provide the president with a personal vindication. "Those who opposed the war believed the things that McNamara now says are true." ("I'm not the best person to make this case," he admitted awkwardly through a spokesman, and kept on talking.) It is typical of Clinton's establishmentarian mind that he would need the approval of the man who made the war in Vietnam for his own protests against the war in Vietnam. For the White House this should have been, if you will forgive the expression, a time for healing. McNamara's book has loosed a lot of pain. It was the job of the president to recognize that the pain of the wounded and the pain of the veterans and the pain of the families of the dead precede the pain of the protesters; but the president felt only his own pain. You'd think that the war in Vietnam owed its importance in American history to its impact on the career of William Jefferson Clinton.

MALICIOUS MURDOCH?: David Bonior's bid to persuade the president to ditch a medical insurance tax-break for the self-employed (H.R. 831) was rooted in the now-familiar demonization of Rupert Murdoch. Bonior focused on another provision of the bill which repeals tax preferences for sales of FCC-regulated properties, such as radio and TV stations, to purchasers with some significant minority presence. But it exempted from this repeal a deal for Murdoch-dominated FOX-TV's station WATL in Atlanta, set to be acquired by the Chicago Tribune Company and Quincy Jones, the latter providing the crucial minority participation. Bonior referred to "tens of millions of dollars in tax breaks to Rupert Murdoch" and attributed the exception to Murdoch's wily powers. Unfortunately, the truth is that the legislation made no difference to Murdoch, and there's no evidence he prodded anybody about it. His agreement with the Jones-Tribune partnership stipulated that if there were a minority tax certificate, FOX-TV would be paid $150 million; if there weren't, the price would be $162 million. So, to whom did this tax certificate make a difference, a $12 million difference to be exact? To Jones. And also to the Tribune company. Enter Senator Carol Moseley-Braun, always eager to help out someone who might help her, in this case a powerful black entertainer and the most powerful newspaper in her home state. It was her initiative in House-Senate conference that established the specific



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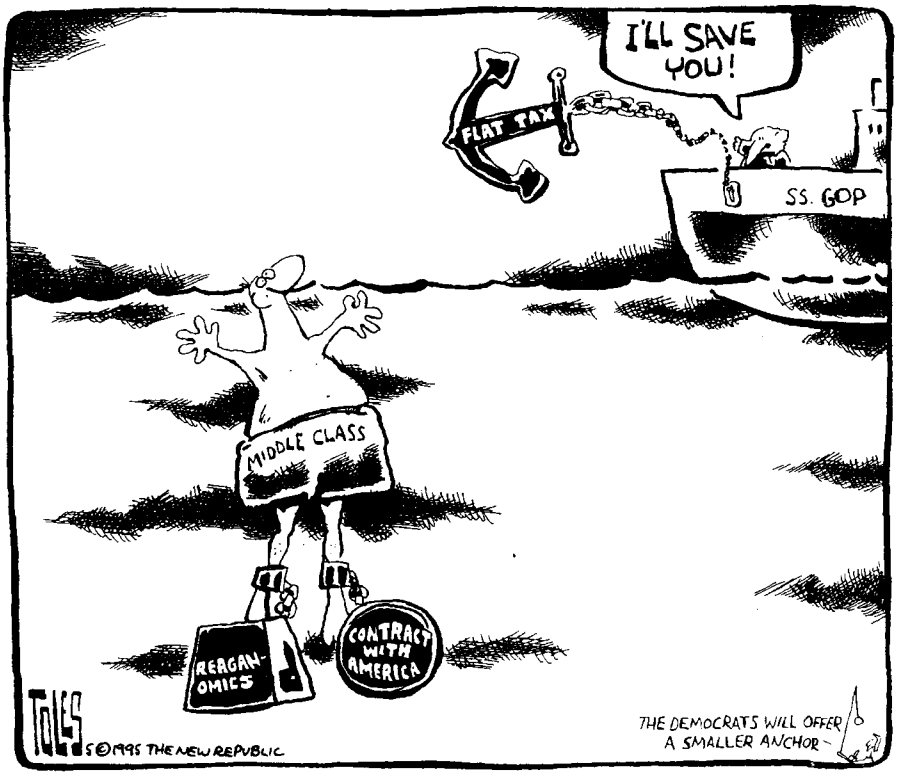
protection for the WATL transaction. But Bonior wouldn't go after Moseley-Braun when Murdoch was available. Sometimes, the best demons are the most familiar ones.

**A** STRONG STAND:

**Clinton pledges restraint in use of nuclear weapons**

—*Cedar Rapids Gazette*, April 6.
(Thanks to Jerry Harrington of Cedar Rapids, Iowa.)

**S** AFE AND SOUND: The authorities in Sarajevo presented the world with a belated Passover gift this year: a rare public exhibition of the priceless Sarajevo Haggadah, the fifteenth-century illuminated manuscript from Spain whose fate has been the subject of worried speculation since war broke out in Bosnia three years ago (see "Missing Pages," TNR, February 13). Bosnia's Ministry of Culture took the book from its hiding place in the Bosnia National Bank vault and lent it for use at a seder held by the town's dwindling Jewish community. The Haggadah's weathered pages showed the scars of age, but, fortunately, not the scars of war.




**S** CIENCE NEWS:

**Discoveries**

Older blacks have edge in longevity

—*The Chicago Tribune*, March 5.
(Thanks to Fernand Dutile of Notre Dame, Indiana.)

**F** ANFARE FOR THE COMMON MAN: "But the most important phenomenon of the postwar years, certainly so far as conservatism is concerned, was the rise of the so-called 'religious right.' This, above all, has re-created American conservatism into a populist movement—one that is reshaping not only the Republican Party, but American politics itself.... [The religious right has enlisted] tens of millions of ordinary Americans who are profoundly concerned about the very shape and substance of American civilization ... [it is] bringing into the political arena masses of 'simple-minded' people who are not educated and specially trained to understand and guide the complex tasks of governance.... [A] democratic populism can be a corrective to those defects of democratic politics arising from our secular democratic elites."—Irving Kristol, "AMERICA'S 'EXCEPTIONAL CONSERVATISM,'" *The Wall Street Journal*, April 18.

"In any case, my tepid loyalty to 'democratic socialism' did not survive my experiences as an infantryman in the Army. I entered military service with a prefabricated set of attitudes: ... the common soldiers, for all their human imperfections, represented the potential for a better future. Well, it turned out that, as a provincial from New York, I knew nothing about the American common man.... Again and again, and to my surprise, I found reasons to think better of the Army and less well of my fellow enlisted men.... The idea of building socialism with the common man who actually existed—as distinct from his idealized version—was sheer fantasy, and therefore the prospects for 'democratic socialism' were nil."—Irving Kristol, "MY COLD WAR," *The National Interest*, Spring 1993, p. 143.

**M** UTUAL BACK-SLAP: We're pleased to let you know that THE NEW REPUBLIC was awarded a National Magazine Award last week for excellence in public interest journalism. The prize was given for two articles by Elizabeth McCaughey examining the Clinton health-care bill. (Another TNR article, Malcolm Gladwell's exposé of the politics of mammography, was a finalist for the award.) In classic TNR fashion, TRB attacks McCaughey's articles this week on page 6. But in this space, at least, we feel able to congratulate her. •



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**Pat Robertson deconstructed.**

# LONG SENTENCE

*By Michael Kinsley*

The controversy continues over whether Pat Robertson's bizarre rantings about the depredations of the Rothschilds and the Warburgs make him an anti-Semite. In a way, this debate has been a useful distraction for Robertson, since it has overshadowed the issue of whether he is a complete nut case. Based on the same evidence, that is a much easier question. Yet, as the leader of the Christian Coalition, he remains the most important person in the most powerful faction within the Republican Party. If this bothers the party's leading lights—let alone its intellectual apologists—they have not said so.

On April 12, *The Wall Street Journal* editorial page published an apologia by Robertson—titled, "A REPLY TO MY CRITICS"—which casts light on both the anti-Semitism and lunacy issues. One sentence in particular caught my eye. Wonderfully mad, it is a self-quote from Robertson's 1990 book, *The New Millennium.* In other words, Robertson himself has chosen to highlight this sentence as a sample of his thought, and proof that he is not anti-Semitic. The sentence rewards close textual analysis. Here it is:

> Intolerance in any quarter is wrong, but inasmuch as we are able, we must ensure that the trend throughout the 1990s remains in favor of a Jewish homeland in Israel and not for the elimination for the Jews.

Thus sayeth the Rev. Pat Robertson.

PAT ROBERTSON BY JOHN SPRINGS FOR THE NEW REPUBLIC

It is hard to know where to begin to sample this sentence's delights. Perhaps it is best, in the Hebrew manner, to start at the end and move backwards. We immediately face a grammatical problem. It should, of course, be "the elimination *of* the Jews," not "the elimination *for* the Jews," which is an oddly arch way of putting it. Elimination would not, on balance, be "for" the Jews. To be sure, one might possibly say, "elimination for the Jews," omitting the first "the," in the sense of, "It's curtains for the Jews"—but this would be a rakish construction, surely inappropriate to the subject under discussion.

This brings us to the nub of the matter. Interpretation is always tricky, but Robertson seems to be suggesting here that he opposes the elimination of the Jews. That is nice, and I believe him. He even opposes a "trend" toward the elimination of the Jews, which is especially comforting. But as evidence of an absence of anti-Semitism, it is a bit lacking in oomph. Does Robertson think that anti-Semitism consists of wishing for the "elimination" of the Jews? This is setting the bar awfully high. Anti-Semitism has, of course, taken that form. But Hitler should not be allowed to spoil anti-Semitism for everyone else. Indeed, the fact that Robertson presents his opposition to the elimination of the Jews as evidence of a lack of anti-Semitism arguably is evidence of the opposite. If someone feels moved to declare, even in a sincere spirit of reassurance, "Look, I really don't want to kill you"—does that demonstrate empathy, or something more sinister?

Then there is Robertson's unusual framework of analysis. There are, apparently, only two options for "the trend throughout the 1990s." One is "a Jewish homeland in Israel." The other is "elimination for the Jews." Between these two options, Robertson declares, he prefers a Jewish homeland over elimination of the Jews. This leaves open the question of how he rates a trend toward elimination for the Jews compared with other possible Jewish trends.

What, after all, does he mean by a *trend in favor of* a



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Jewish homeland in Israel? There already is a Jewish homeland in Israel. It is not in need of a trend toward it. The concept is nonsense, unless Robertson means a trend toward Israel becoming *the* Jewish homeland—i.e., a trend toward Jews abandoning other countries and moving to Israel. There is a strain of fundamentalist Christian thought which holds that the second coming will arrive when all the Jews return to the Holy Land, where they will be destroyed in some sort of cataclysm (thus achieving both of Robertson's options simultaneously). Presumably Robertson is not endorsing that particular theory here. But, at the very least, he seems to be adopting the view of certain Zionist extremists that there can be no safe place for Jews outside of Israel—that the options are Israel or "elimination." Such a view may not be anti-Semitic, even when held by a non-Jew, but it is not exactly the Republican party line. (The Republican party line, of course, is that Jews are perfectly safe outside of Israel, so long as they are carrying a concealed semiautomatic weapon.)

Next, in our backward journey through this remarkable sentence, consider the strange qualifying phrase, "inasmuch as we are able." *Inasmuch as we are able*, says Pat Robertson, we should strive to avoid the elimination of the Jews. He means, of course, *insofar* as we are able. "Inasmuch as we are able," read literally, would mean that, since we happen to be able to, we might as well avoid the elimination of the Jews. But Robertson clearly is not saying that. He is suggesting that he is not at all sure we will be able to avoid the elimination of the Jews. Do you detect a note of noble resignation—an almost audible sigh—here? There's a sort of implied advance permission to fail, as if success is a hopeless ideal and the effort is what counts. It reminds me of signs that used to be posted, many years ago, in Harrod's Department Store in London: "Please Try Not to Smoke." Do try not to eliminate the Jews, but, well, flesh is weak, and we are all sinners. A body can only do so much.

Consider, finally, the opening clause: "Intolerance in any quarter is wrong, *but* inasmuch as we are able" we shouldn't eliminate the Jews, etc., etc. Why "but"? Surely conventional logic would suggest that the proper connector between these two thoughts is "and": intolerance is wrong *and* we shouldn't eliminate the Jews. (Or possibly even "and *therefore*" we shouldn't, etc. etc.) What concept is Pat Robertson trying to express when he says that intolerance is wrong *but* we shouldn't eliminate the Jews?

My only thought here is that perhaps Robertson intended this introductory qualification as a preemptive strike against critics who might otherwise accuse him of implicitly condoning other forms of intolerance with his fetishistic insistence that we must strive, as much as we are able, to avoid the elimination of the Jews. As a believer in the true meaning of civil rights—before it was corrupted by civil rights activists—one must be careful not to seem to be endorsing special treatment for any race, creed or color. We must strive toward ensuring that trends run against the elimination of all ethnic groups equally. Of course this equality must be of opportunity, and not of result. Every ethnic group must have an equal opportunity not to be eliminated. Whether they make the most of this opportunity is up to them.

Or something like that. •

**How to tame the computer beast.**

# MACRO-SOFT

*By David Thielen*

On Valentine's Day of this year, U.S. District Court Judge Stanley Sporkin dealt a blow to Microsoft, the computer giant that has grown from a small outfit started by two boyhood friends to the world's biggest software company. In overturning the consent decree announced earlier this year between the Justice Department and Microsoft—a deal that exonerated Bill Gates's company from the most serious antitrust allegations against it—the judge at least sounded the alarm about Microsoft's growing and dangerous dominance over the computer industry.

Despite the ruling, however, Microsoft remains a juggernaut. Because it makes MS-DOS and Windows (the programs that run all IBM-compatible personal computers) and Office (its word processing and spreadsheet products), which sell to roughly 90 percent and 70 percent of their respective markets, Microsoft is extraordinarily well-positioned to dominate the software world. What's more, Microsoft is looking beyond software to communication, finance and entertainment. Ask any employee who has worked at Microsoft for a couple of years what the corporate goal is and you'll be told: total world domination. It's unofficial, of course, and often said half in jest, but you will hear it again and again. Before Microsoft makes this threat come true we need to decide what kind of power we are willing to let one company amass.

To understand why Microsoft is so dangerous you need to understand why Microsoft is so successful. Mainly, it's because the company doesn't create products based on potential profit, as most companies do; rather, it decides which types of products are strategic in the market and then builds or acquires them. The primary aim is gaining market share—complete market share wherever possible. Mike Maples, executive vice president at Microsoft, has said publicly that the company is going after 100 percent of every market it is in. In an important market segment, Microsoft will not give up; even if it fails initially, it will continue until it is successful, regardless of cost. To paraphrase Chris



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Peters, the former head of Excel, Microsoft's spreadsheet product: "We didn't write Excel to make money, we wrote it for the sheer joy of putting the largest computer software company out of business." And when Microsoft does meet its match, it snatches it up. Scott Cook, chairman of the board of rival Intuit Inc. showed that Intuit's software could outsell Microsoft's in the home-finance market. So Microsoft bought Intuit and Cook.

With a near-total monopoly on most strategic segments of the software market and the rest falling into line, where does Microsoft next turn? First to the rapidly expanding on-line network that links 20 million to 30 million computer users worldwide. Ten years from now your mail, your fax, even most of your phone calls, will come in from the Internet. But the net will deliver much more than that. It will be a primary source of news, entertainment and other information. Your link to the network will determine what information is and isn't available to you, and Microsoft plans to own that link through their new Microsoft Network product.

Second, Microsoft plans to be your banker. Electronic banking has already been partially implemented by a few banks, and it is far more convenient and cheaper than traditional banking. Microsoft will replace your cash, your checks and your credit cards with electronic transactions, and all for just a very minor charge. Again, this is a strategic market; control of the banking market is control of the financial market. And if you think about it, money is not very different from information; it can all be reduced to data and run through the network. If Microsoft can gain a monopoly in the intensely competitive software market, the company is sure to thrive against bureaucratic rivals in an antiquated industry such as banking.

Third, Microsoft wants to entertain you. When the on-line and banking markets have been sewn up, there will be new types of entertainment technology such as fully immersive interactive games and design-your-own movies. And Microsoft will be there, providing the products that its P.R. department deems acceptable.

OK, so Microsoft has a monopoly on most of the software industry. It may gain a monopoly in the on-line banking and entertainment markets. But Microsoft has succeeded by competing according to the rules of the game and is simply better at it than everyone else. Is that reason for the government to step in? Having worked in the software market for the past fifteen years, I am reluctant to call for government interference; one of the most enjoyable aspects of the field is that you're pretty much left alone to develop your products. But the market has skewed badly, and if the government doesn't step in to level the playing field, Microsoft's monopoly power will continue to expand.

Already, Microsoft owns the operating-system market. When Windows 95, the forthcoming new version of Windows, comes out this summer, it will be installed on virtually every new P.C. sold from that point on, let alone the tens of millions of existing systems that will buy it to upgrade their old operating systems. If Microsoft's on-line software is included gratis along with the Windows 95 software, then CompuServe, Prodigy, America Online and other companies that provide network links—no matter how good they are—are dead. It is flat-out impossible to compete when your competitor is pre-installed on every new computer. The same holds for Quicken, the home-finance package from Intuit. If the basic program is shipped with Windows 95, who will buy any other program? In these cases Microsoft will succeed not because their products are good (though they are) but because they own the operating-system market.

Allowing Microsoft to purchase its few viable competitors, such as Intuit, is crazy. The market is supposed to control the Microsofts by having other companies compete with them for market share. But when Microsoft purchases any company that is its equal, and then uses it as one more tool for domination, all the market is doing is making Microsoft that much more powerful. We would be better off if Citicorp, instead of Microsoft, purchased Intuit and used their skills to compete with Microsoft.

Finally, Microsoft is bad for the software industry. Microsoft generally writes good, though not great, software, but it doesn't leave room for competitors to improve upon it. Whenever Microsoft comes to monopolize a market segment, the quality of the products in that market tend to stagnate. This is exactly what happened with MS-DOS. After the DOS 3.3 version was released, Microsoft made no effort to improve it. Then a company called Digital Research issued its own, better version, DR-DOS. Suddenly, Microsoft got back in gear and issued, in succession, two upgraded versions. Once DR-DOS was killed, Microsoft again dropped MS-DOS.

The lifeblood of the software industry has always been the small companies started by a couple of people with a good idea. Microsoft's growth has left fewer and fewer niches into which such companies can enter. Ultimately, it is not just these small companies that suffer but the industry as a whole, and therefore all of us who use computer software—which will soon be almost everyone.

What can the government do? An antitrust lawsuit doesn't make sense. The Justice Department hasn't proven particularly tough on Microsoft, and besides, antitrust cases take too long. I propose an easier, multistep solution to level the playing field—that in many cases would merely require implementing regulations that would make sense even if Microsoft didn't exist.

*Step 1:* Limit their software dominance. File suit against Microsoft requesting that the company pull all non-operating-system programs off of the Windows 95 disk including the Microsoft Network, Quicken and Office. Then get an injunction restraining the shipment of Windows 95 with these applications until the case is decided. A reasonable injunctive request (since



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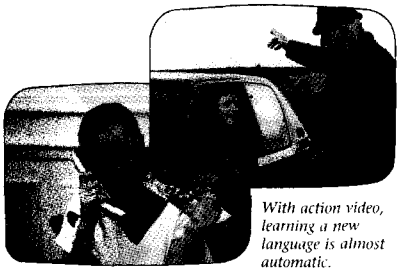

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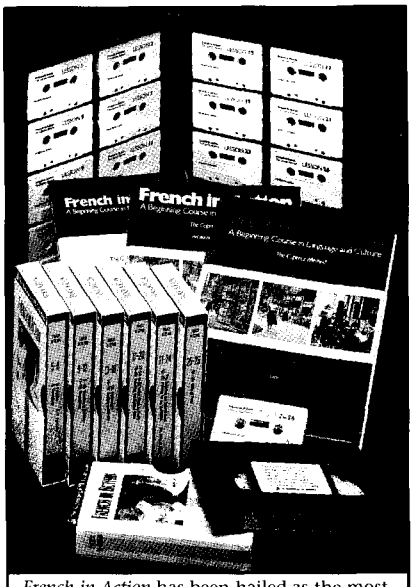


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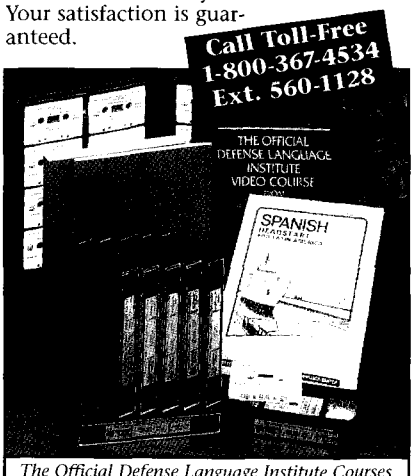


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shipping those products will kill their competitors) that will force Microsoft to drop the bundling in order to ship Windows 95 this year.

*Step 2:* Fight Microsoft's intended acquisitions. This could be done on the grounds that a company holding a monopoly in the software industry cannot consolidate that monopoly by gobbling up the few companies that hold the remaining competitive niches. These lawsuits should be successful, by and large, since Microsoft does not make acquisitions to gain a niche but rather because that product (combined with existing Microsoft products) allows Microsoft to gain dominance over another strategic market segment.

*Step 3:* Regulate ownership of cyberspace. The Microsoft Network will give Microsoft a level of media domination that is illegal in newspaper, TV and other media markets. There are laws against owning multiple media outlets in one city. Shouldn't there be similar laws regulating the level of media controlled in cyberspace? Such regulations are easily justifiable. Not only are most of the lines the network travels over regulated by the government, but critical pieces of the Internet are owned by the government. The government can refuse access to government-regulated carriers and government-owned and -funded parts of the network to anyone who violates the imposed limits.

*Step 4:* Apply and extend banking laws. Banking is one of the most heavily regulated industries in the United States. Laws exist that stop a bank from entering other types of business. Shouldn't these laws also affect what companies can have banking subsidiaries? A large part of the profit from the Quicken software, for example, comes from on-line credit transfers. The government should keep an eye on who wants to be in this business and what level of domination a single company can have in this market.

*Step 5:* Spread federal dollars around. The federal government is probably the largest purchaser of software. If the government restricted federal funds from being used to purchase software that held more than 70 percent of its market, it would give the competitors of Microsoft a chance to survive. This is not a handout. The competing products, such as IBM's operating system or Lotus's and Novell's Office suites are technically every bit as good as, or better than Microsoft's. This restriction would simply allow good products to compete without fear that Microsoft will squash them.

The likelihood of such new regulations may be slim, given the predilections of the current Congress. But perhaps our legislators will pay attention to the courts. Judge Sporkin, in throwing out the agreement between Microsoft and the Justice Department, asked if Microsoft had become more powerful than the federal government. I hope not. But if the government does not act, Microsoft could reach that point soon.

DAVID THIELEN, a senior developer at Microsoft for three and a half years, now writes and produces multimedia software.

**The rise of family values architecture.**

# THIS OLD HOUSE

*By Witold Rybczynski*

Traditional neighborhood development is about to become the hottest new idea in suburban planning. It started slowly, about a decade ago, in the Florida panhandle, with a project called Seaside. In the years since, middle-class nostalgia and anxiety have only increased the concept's appeal. Call it family values architecture, the real estate developer's answer to inchoate yearnings for the proverbial simpler time. In Seaside and its imitators, charming vaguely Victorian or Georgian houses and picturesque streets lined with picket fences suggest not so much a typical planned community—pleasant but bland—as a movie set for a remake of *It's a Wonderful Life.*

Despite a generally dismissive reaction from most architectural critics, the mainstream press has accorded Seaside the kind of admiring coverage seldom devoted to urban design. *Time* praised the "oldfangled new town," and *People* saw the development as a harbinger of a "new American way of life." "The most celebrated new American town of the decade," gushed the *Atlantic.* Seaside was even endorsed by Prince Charles, who featured it in his BBC television film, *A Vision of Britain.*

And the public seemed to be onto something that the critics, self-styled champions of the avant-garde, were not. It recognized in Seaside a quality that had all but disappeared from American town planning: beauty. Ever since the city planning profession made its appearance in the early 1900s, it has concerned itself chiefly with technical and bureaucratic issues such as forecasting growth, regulating traffic and establishing functional zoning. Seaside demonstrated that it was still possible to build an urban place with the utmost concern for aesthetics.

City planners protested that tiny Seaside, a resort community composed almost entirely of second homes, could hardly serve as an urban model. Like the architecture critics, though, they were mistaken. Projects on the Seaside model have been built around the country, not only as smallish resorts but as permanent, good-sized communities. Among the major traditional neighborhood developments currently on the drawing boards are Playa Vista, located on the 1,000-acre site of the former Howard Hughes Aircraft Factory near Playa del Rey in Los Angeles, which will accommodate more than 13,000 dwellings; Cornell, which will house 27,000 people on 1,500 acres on the outskirts of Toronto; and the



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town of Celebration, now under construction near Orlando, Florida, by, appropriately enough, the Disney Development Company.

The basic idea of traditional neighborhood development is easy to grasp. It turns conventional suburban planning on its head by placing houses close together on small lots, by providing more elaborate public spaces—squares, boulevards, parks, playgrounds—than are generally found in planned communities and by designing streets more for walking than driving.

Though the houses themselves may be air-conditioned with jacuzzis and media rooms, the overall impression is not of a contemporary planned community but of an urban neighborhood from the eighteenth or nineteenth century—an effect achieved in part through design codes that inhibit the kind of free-for-all you find in, say, the commercial strip, while still providing enough freedom to avoid the uniformity typical of many planned suburbs. The feeling of déjà vu is reinforced by the architecture, which, while not necessarily historical, is what developers call "traditional": pitched roofs, dormers, shutters, front porches and bay windows.

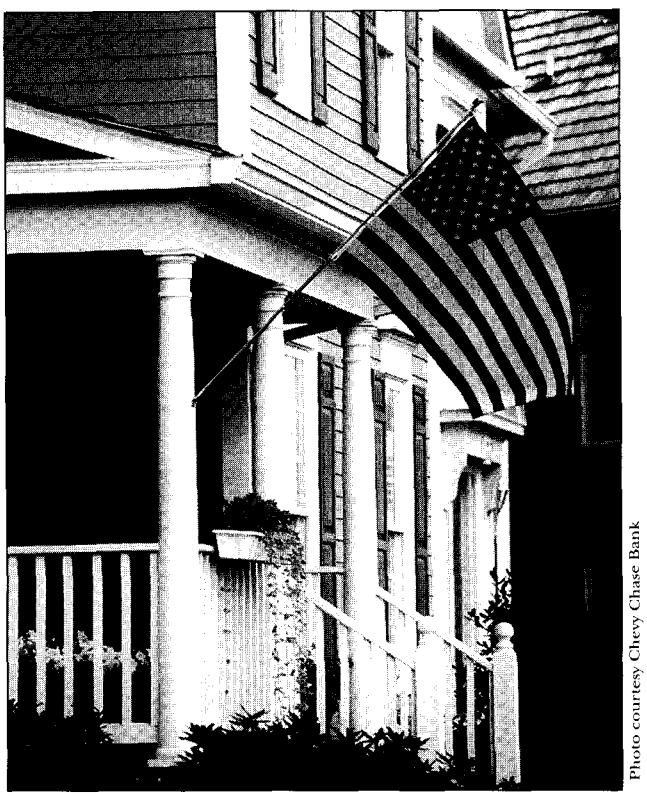

Photo courtesy Chevy Chase Bank

A HOUSE IN THE KENTLANDS DEVELOPMENT

The first large application of traditional neighborhood development was Kentlands, a 350-acre suburban development with a projected population of about 5,000, located in Gaithersburg, Maryland, on the outskirts of Washington, D.C. Opened in 1990, the development is now about two-thirds complete and includes several public buildings as well as a shopping area, so it's a good time to judge it for oneself.

Walking through Kentlands *is* a pleasure. The blocks are short and the streets are narrow, with houses close to the sidewalk. Instead of the long looping roads of most modern suburbs, convenient for driving, not walking, the streets are straighter and more regular, but with occasional kinks and angles that provide interesting views. Though brand-new, the brick, Colonial-style houses with shutters and paneled front doors gain a certain authenticity from the absence of garage doors. Back lanes provide access to garages at the rear of the houses.

It's not only the residential areas of Kentlands that look old-fashioned. An elementary school, a preschool and daycare center and a church are situated around a prominent grassy circle near the entrance to the development. The arrangement recalls those Colonial New England towns in which a courthouse, library and town hall typically framed a commons. Indeed, the plans of these developments often have areas labeled "town square" or "village green" and public structures called "meeting houses" or "bell towers."

The appeal is as much to a fantasy of a more ordered and harmonious past as it is to some vestigial memory of village democracy. A recent survey of three traditional neighborhood developments, one in California and two in Maryland, found that the majority of homeowners identified themselves as moderate or conservative. Like the campaign for family values, traditional neighborhood development is an attempt to deal with difficult modern conditions by invoking, uncritically, a return to "simpler" virtues.

But what does a town square or a village green stand for today? The civic symbols of the past no longer resonate in the ways they once did. The public school reminds us of slipping SAT scores and an entrenched teaching bureaucracy. The town hall is less a cause for pride than for concern about rising property taxes and the cost of police. A new, expensive public building is more likely to provoke taxpayers' ire than their civic pride.

Some of us still use public libraries, but we are more likely to meet our neighbors in a bookstore café or at the video rental outlet. Where I live, it's the local convenience store that functions as a meeting place: neighbors run into one another picking up their morning coffee on the way to work; police officers stop by late at night. But all-night convenience stores, like Blockbuster Video, Pizza Hut and drive-in dry cleaners, don't figure into family values architecture. They aren't "traditional" enough.

Descriptions of traditional neighborhood developments often refer to corner stores and local shops; the idea is that a more compact environment will allow people to do errands on foot. At Kentlands, for example, an as-yet-unbuilt neighborhood is to include a "main street" with small shops and offices. It is an attractive image. But a little thought suggests that it will be difficult to square with current American shopping habits. Most families buy groceries once a week, hence in large quantities. Even if one can imagine shoppers trundling shopping carts down the sidewalk, how would a modern



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main street function? In the past, a small town could get by with a grocery store, a dry goods store, a snack bar and a two-table pool hall. There was little variety and little choice. But the modern consumer wants cheeses from around the world, twenty kinds of athletic shoes, out-of-town newspapers. We want to be able to eat Mexican or Thai or Italian food, and we want a choice of prices, too. We like small shops that specialize in pens or old prints or herbal soaps, but we also want mammoth building-supply warehouses with a choice of ten kinds of electric drills. To include this variety—and be commercially viable—the retail area of a traditional neighborhood development would have to be the equivalent of a large regional mall. But regional malls (or specialty shops, for that matter) survive by attracting customers from a broad area, which defeats the intention of creating a local neighborhood center. This is, in fact, what has happened at Kentlands, where a conventional medium-sized shopping center has been built on the edge of the development.

"Suburban sprawl is out. Small-town charm is in," maintains a Kentlands sales brochure. There is no doubt about the advantages of reducing sprawl, but is it accurate to call this a small town? It's really a planned suburban community in the center of a major metropolitan area. It's bordered not by countryside but by highways, strip malls, office parks and other planned communities. It's composed of two-wage-earner families, whose workplaces are scattered across the urban region. Despite its traditional appearance it is brand-new, but even with time it is unlikely ever to resemble a small town. To its credit, Kentlands is not a gated community, but its neighborhoods, despite their architectural variety, inevitably represent a relatively narrow economic spectrum: the houses sell for between $200,000 and $500,000.

Kentlands does include less-expensive condominiums and rental apartments, but these are located in a separate "neighborhood," separated by a wide boulevard in an unwitting re-creation of another small-town tradition: the other side of the tracks. This is a reminder that the traditional town had many faces—shanties as well as gracious houses, skid rows as well as main streets, narrow-minded discrimination as well as neighborliness. In a period that is nostalgic about so many traditions, old-time virtues as well as old-time towns, the temptation to turn back the clock is hard to resist. But, in practice, it's difficult to disentangle what we admire about the past from what we would rather forget—and almost impossible to re-create that partly imagined past. Traditional neighborhood developments are definitely a way of building better suburbs, but it will take more than narrow streets and grassy squares to deliver the sense of community they promise.

WITOLD RYBCZYNSKI, the Meyerson Professor of Urbanism at the University of Pennsylvania, is the author of the forthcoming *City Life*.

**A proposal to cure crime.**

# SUE THE GOVERNMENT

*By Jeremy Rabkin*

For thirty years we have watched as violent crime has escalated to frightening levels and allowed "the crime issue" to become a mirror of other anxieties—about race, values, class, anything but the violence itself. Both right and left have engaged in a variety of self-serving denials. Liberals have demanded more and more "rights," while scanting the right to be secure from violence. Conservatives have attacked "command-and-control" regulation from the center, but when it comes to crime, they've championed the crudest law-and-order palliatives.

Maybe there's another way. A better approach to crime would both take it seriously as the pre-eminent social problem and take stock of what we've learned in other areas of government. If reducing violence is a serious goal, we should think about ensuring that the states have financial incentives to make progress toward it. Put another way, think of security from violence as a personal right—not a special right for minorities and the poor, enforced by baffled federal judges improvising injunctions through rounds of "public law litigation." Make it a serious right of the kind beloved by middle-class plaintiffs: a claim for individual, financial damage payments from government for defaulting on its obligation to protect citizens from violent crime.

Is this a crazy suggestion? It draws, in fact, on one of the oldest traditions in the Anglo-American system of

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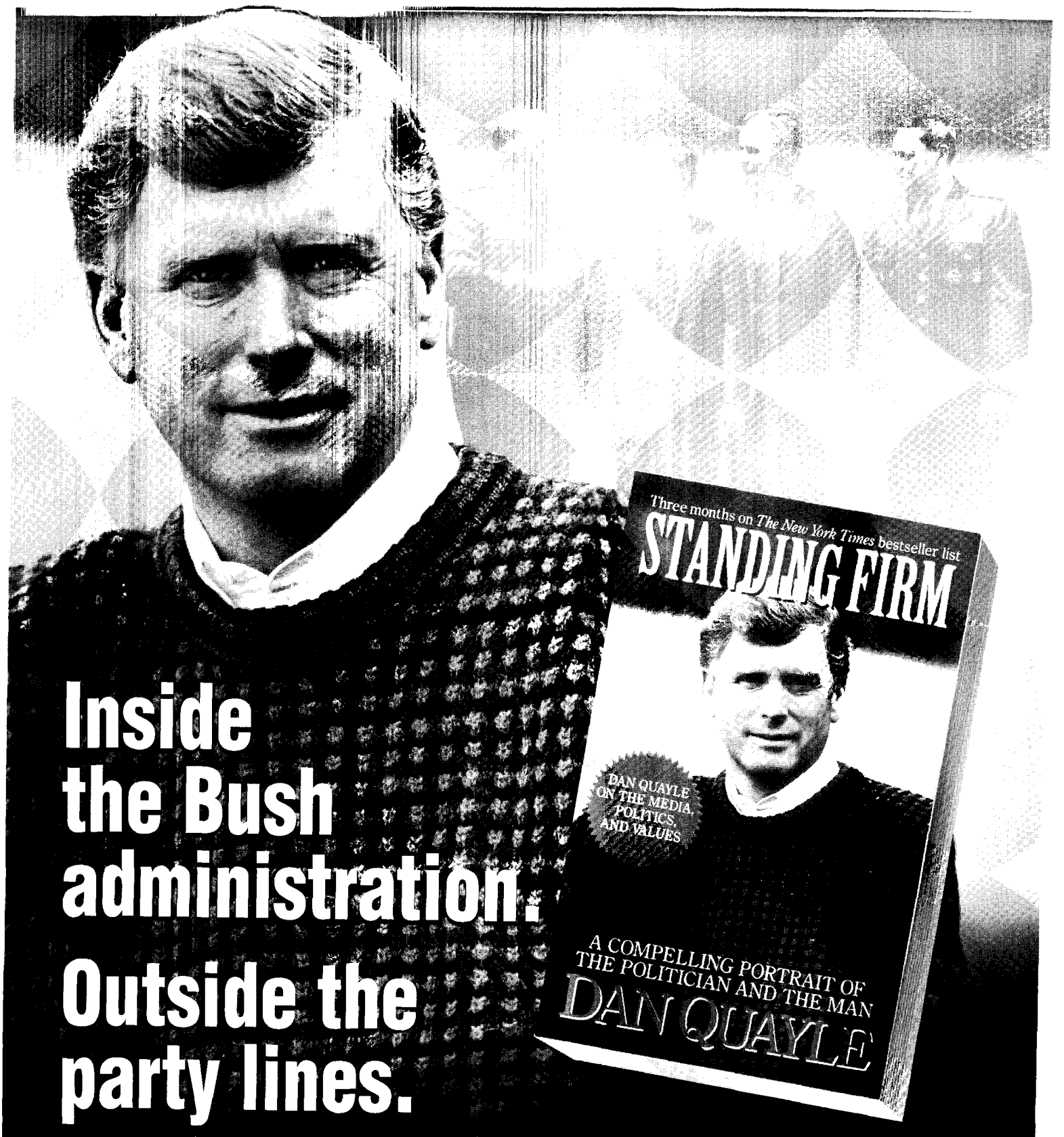
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criminal justice. Crime control, in this tradition, is a community responsibility and when the community defaults, it must answer to the victims. A key echo of this medieval tradition lived on in the statute books of many American states until quite recently—in fact, until the outset of the crime wave that began to soar during the 1960s. It's a tradition perfectly suited to the crime problem of the present day.

The medieval version of this approach was formalized with the Statute of Winchester, issued during the reign of King Edward I in 1285. Local communities had long been responsible for launching a "hue and cry" to hunt down perpetrators of violent crime. By the thirteenth century, many localities seemed to be shirking this duty, closing inquiries with oaths by the neighbors that they knew nothing about the criminals. So the Statute of Winchester obligated the local residents to pay damages to the victims of violent crime, if they couldn't catch the villains within forty days—"so that henceforth, for fear of the Pain more than for fear of any Oath, they shall not spare any, nor conceal any Felonies." Decades later, this measure was reaffirmed, along with the due process guarantees of Magna Carta, as a fundamental safeguard for the personal security of English subjects.

In the early eighteenth century, Parliament enacted a more focused measure, making cities and counties responsible for reimbursing damages perpetrated by a "riot" (defined as a "tumultuous gathering for illegal purposes" of three or more persons). Parliament reenacted this measure in slightly modified form in the early nineteenth century and in this form it passed into the statutes of a number of American states. In the wake of the draft riots of 1863, New York City was thus faced with 1,000 separate lawsuits demanding compensation for damage the authorities had failed to prevent. A state appeals court eventually affirmed the New York Riot Act as an entirely constitutional device; it described the measure as an appropriate means to "make good at public expense" the losses suffered "by acts of lawless violence ... which it is the general duty of the government to prevent."

The idea caught on. In 1871 the U.S. House of Representatives, citing the New York practice, voted for a package of federal measures that would have imposed financial liability on any locality that failed to prevent or suppress racial violence. Sponsors of the measure predicted such damage awards might well require localities to impose special new taxes; such financial pressures, they said, would soon force Southern property holders to help suppress "outrages of Ku Kluxery." This federal measure was ultimately defeated in the Senate. But the New York state riot law and similar laws in other states remained in force well into this century. In the late nineteenth century, a Pennsylvania court credited a parallel measure with having forced substantial improvements in crime control in Philadelphia.

More recently, however, most states have given up on the notion that cities should be held accountable for suppressing riots. New York state suspended its statute during World War II, ostensibly on the grounds that police resources might be needed for "national defense" measures during the wartime "emergency." The state legislature then cited the "threat of atomic and radiological warfare" as grounds for extending the suspension during the 1950s and '60s. Those who sought compensation from the city for damage from the race riots of 1943 and 1964 were denied judicial relief on this ground. Eventually, the state legislature acknowledged the new policy by repealing the old law outright in 1971. By that time, Louisiana, Illinois, California and other states—evidently in response to race riots of the 1960s—had repealed their parallel measures. Cities could no longer accept responsibility for suppressing mob rule.

At the same time, violence began a steady rise—murder rates doubling in many cities, rates of armed assault and rape increasing at still higher rates in the 1960s and '70s. Of course, the denial of municipal responsibility for mob or gang crime wasn't the cause. But it was symptomatic of the response: cities overwhelmed with violence essentially shrugged their shoulders and hoped the frightening trends of that era would eventually subside. They did not.

What happened instead was that the costs of crime were privatized. Rather than a public obligation, for which the whole community is collectively responsible, dealing with crime has become a private problem. Those with adequate resources have removed themselves from the violent confines of the inner city. The wealthier have moved to gated communities or guarded buildings or at least to houses with elaborate window guards, locks and alarms. Spending on private security measures has grown to several times the aggregate total of all public spending on criminal justice. There are twice as many private security personnel as public police officers.

So the burden of crime falls quite unequally on different sectors of the population. In a recent essay in *The Public Interest*, John DiIulio gathers a great deal of sobering evidence of this pattern. Black youngsters are now up to seven times more likely to be murdered than their white counterparts. In the late 1980s, a survey of seventy-five urban counties found that black citizens—only 20 percent of the population—accounted for more than half the murder victims. The disparities are every bit as dramatic when considered in geographic or class terms. The city of Philadelphia, for example, with only 14 percent of the population of Pennsylvania, accounts for 42 percent of violent crime in the state.

Far less striking disparities in the scale of school expenditures have provoked extensive litigation in many states. Far less striking disparities in employment patterns have provoked ambitious lawsuits, invoking statistics to "prove" unlawful discrimination, even where there is no evidence of deliberate malice. But disparities in susceptibility to violent crime have been shrugged off as a sad fact of life, for which public



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authorities bear no responsibility.

True, crime victims have not been entirely neglected. Some jurisdictions have experimented with "victim compensation programs," which try to extract compensation payments from the perpetrators. But there's rarely much to extract, and the programs hardly act as a strong deterrent to hardened criminals. Really bad riots, as in Los Angeles in 1992, may call forth federal disaster relief funds to soften the impact of the criminal devastation. But such payments, financed by federal taxpayers, have no direct connection to the responsibilities of local officials in the affected areas. None of these measures does anything to resist the trend by which affluent taxpayers wash their hands of the most crime-infested areas.

So federal pressure may be necessary to force states to provide more determined and equitable responses to crime. At this stage in our history, it can hardly be argued that the federal government lacks the constitutional authority to impose such pressures. As numerous Supreme Court rulings attest, Congress can make the states answerable to anything it chooses to call a "right" or to anything it judges appropriate for enforcing the Fourteenth Amendment guarantee of "equal protection of the laws." But to be effective, financial pressures must be properly calibrated. The model ought to be the state workmen's compensation systems, which are financed by employer payments and thus put continual pressure on employers to contain costs by improving safety. A program that simply requires states to offer token consolation payments to crime victims may be lost in the myriad of state welfare spending already in place. If, on the other hand, the program turns into a general social insurance scheme, there may be irresistible pressure to share the full cost among federal taxpayers at large—in which case it will cease to have any focused incentive effects on state crime-control measures.

Several forms of targeted liability are worth thinking about. First, the focus should be on crimes of violence rather than all crime; it's violent crime that drives middle-class people from cities. Second, there should be an effort to target gang violence (returning to the original Riot Act focus on violence committed by three or more people) and on offenses involving the use of guns. But, above all, there should be a focus on crimes committed by persons already convicted of violent offenses. States are under so much pressure to free up prison space that they commonly release dangerous offenders onto the streets. A recent survey by the Bureau of Justice Statistics found that almost one-quarter of murder arrestees were either on probation or parole; the figure for those arrested in connection with other violent offenses was even higher. Such reckless policies ought to have a cost—not merely to the victims.

Whatever the precise focus, there's an easy mechanism for enforcement: let state governments be liable for damages to the victims (or their families), just as damages are now awarded against private firms held responsible for injury, disablement or death. If someone is injured by violent crime, allow the victim (or his or her family) to pursue damage claims against the state for allowing this to happen.

The costs may quickly become rather substantial—more than enough to make politicians take notice. A recent survey of Wisconsin hospitals, for example, calculated that a shotgun assault victim may have to bear up to $5 million in lost income and medical expenses over a thirty-five-year working life in the aftermath of the crime. A 1993 study in *Health Affairs* calculated that in a three-year period at the end of the 1980s, violent crime imposed lifetime costs of $178 billion. Making states pay even a sizable fraction of such costs, in compensation payments to victims, will begin to bite rather quickly.

Would such costs make the whole undertaking prohibitively expensive? States are certainly in a better position to bear such costs than municipal governments. The feds might also share some of the costs to help states (even though the proposed new law against unfunded federal mandates does not apply to civil rights measures). And we may hope that, over time, better crime control will reduce the burden of compensation payments. But the key point is that victims are *already* bearing the costs of crime and the secondary effects of crime as it dampens investment, depresses real estate values and so on. The question is not whether we will "pay" for the costs of crime but whether we will try to spread the costs more equitably—and so focus taxpayer attention on the government's failure to do better in controlling it.

A system of state liability promises several striking advantages. First, it will not require any elaborate bureaucracy to administer, nor even require the contributions of the public interest bar or of special civil rights organizations. An army of tort lawyers can be readily enlisted to pursue the promise of damage awards. In the second place, this system can encourage greater participation in the criminal justice system by the victims of crime. Victims are often reluctant to come forward or cooperate with the police; it could lead to retaliation and involve unpleasantness and large amounts of time. Under the tort system, victims would have a direct financial incentive to get involved. Third, a system of this kind can leave wide discretion to the states (and their localities) to implement whatever crime-control measures they think best. It would open up competition for effective crime control tactics and provide a reliable gauge for how greatly any specific government is in default of its most basic obligation to citizens.

Congress decreed in the 1970s that states must secure certain standards of air and water quality. It decreed that cities must make buses, subways, sidewalks and public buildings accessible to wheelchairs. If it is proper to impose heavy financial burdens in the name of such modern amenities, it is surely reasonable to make the states accountable for their success in dealing with the first obligation of any and all governments—securing citizens from violence. •



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**Neither color-blindness nor quota-mongering.**

# AFFIRMATIVE ACTION: A SOLUTION

*By Jeffrey Rosen*

Is there a middle ground on affirmative action, an oasis between radical color-blindness on the right and racial quota-mongering on the left? As President Clinton prepares to unveil his conclusions on the subject, it's hard not to sympathize with his political predicament, but hard also not to anticipate his speech with a sense of dread. Having raised expectations so dramatically, he no longer has the luxury of embracing contradictory positions, or retreating into euphemisms. But is his task impossible? It's an urgent question, made all the more so by the inadequacy of the two alternatives.

Color-blindness, for all its moral and political appeal, is not really a practical option. When asked point-blank, few conservatives are honestly willing to accept the widespread resegregation that would follow from a rigid ban on racial preferences. As the gap between the LSAT scores of white and black candidates at the University of Texas shows, the end of affirmative action would mean, in many cases, a return to lily-white universities and workplaces (see "Is Affirmative Action Doomed?" TNR, October 17, 1994). Moreover, even if the Congress decided tomorrow to prohibit discrimination in favor or against any person on the basis of race or gender, the questions at the heart of affirmative action would endure: How do you identify "discrimination"? Should it be inferred from intent or result? Are informal quotas the safest way of avoiding it? Both the California civil rights initiative and the federal statute endorsed by Senator Bob Dole, for example, forbid discrimination but don't manage to define it.

To make matters worse, affirmative action bureaucracies and beliefs are so entrenched that a sweeping color-blind law might lead to a renewed attack on objective standards. When Congress forbade race-norming in the Civil Rights Act of 1991, for example, many employers dropped their aptitude tests altogether, or set the cut-off points for all candidates at the lowest possible levels: they were more concerned with keeping up appearances than obeying the spirit of the law. The desire to "look like America," in short, has become too much a part of our social fabric to be suppressed by a legal rule.

The left-wing attempt to legislate equality of outcomes is just as utopian. The expectation that each race and gender should, always and everywhere, be represented in numbers that reflect its position in society at large is doomed to fail, and to stir racial resentment at the same time. Blaming white racism for the failure of minorities to be proportionally represented in all professions is no longer entirely plausible. If more than 40 percent of the freshman class at Berkeley is Asian American, and if more than 30 percent of law professors at Berkeley are Jewish, this sort of "over-representation" reflects the fact that talents and ambitions are distributed differently in different fields.

Similarly, if only a fraction of women are now CEOs as the tendentious federal Glass Ceiling Commission reported in March, this is hardly a result of discrimination alone. It takes twenty-five years of full-time work to rise to the top of a field; and women have only recently worked full-time in large numbers. (In 1968, women left work for ten years, on average, after their children were born; in 1987, the average was six months.) The cookie-cutter ideal of proportionalism does an injustice not only to white men, but to women and men of all ethnic groups who, through their own efforts, have succeeded beyond their numbers.

Some factions in the Clinton administration, unfortunately, refuse to acknowledge that proportionalism has costs. Consider the Labor Department's draft report, released on March 23, which purports to review all federal cases involving reverse discrimination between 1990 and 1994. Prepared by Alfred Blumrosen of Rutgers University, the report concludes that reverse discrimination cases represent less than 3 percent of all discrimination cases; that plaintiffs prevailed in "only" 30 percent of the twenty-one cases reported; and that "[n]othing in these cases would justify dismantling the existing structure of equal employment opportunity programs."

The report is gratuitously sarcastic—it ridicules the unsuccessful plaintiffs with headlines such as "THE SLEEPING SUPERVISOR" and "THE PROFESSOR WHO DIDN'T LIKE COMPETITION"—and statistically meaningless. First, the sample of twenty-one cases is so small the results might as well be random. And even if it's true that plaintiffs win in 30 percent of reverse discrimination cases, the number is hardly low. As law professors George Priest and Benjamin Klein have pointed out, when one party in a civil suit is much more likely to win than the other, the case tends to settle before going to trial. Therefore, if 30 percent of reverse discrimination plaintiffs prevail



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# Where We Stand

By Albert Shanker, President
American Federation of Teachers

## Too Many Facts?

The proposed Virginia social studies standards, which were published earlier this year, have been greeted warmly by conservative parents. They are pleased by a "back-to-basics" approach that focuses on the details of history and requires kids to learn names and dates and plenty of other facts. But professional educators call the standards rigid and old-fashioned and say they will discourage student learning. Who is right? Both sides are, but both are also missing something important.

On the one hand, critics are right that the proposed standards ask young children to master material that is far too demanding. It's hard to see how second graders can possibly absorb "historical highlights of ancient Greece and Rome" along with "the rise of two world religions" *and* "the discovery, exploration and settlement of America."

Some superintendents are also criticizing the proposed standards for having grade-by-grade requirements, which they say are too inflexible. These requirements are one of the strengths of the Virginia standards. When systems do not have grade-by-grade requirements, teachers don't know what new students learned last year—whether the kids came from across the state or across the hall. Teachers have to waste valuable time making sure that everybody is beginning at the same place. Grade-by-grade standards allow every class to start learning the year's material on the first day of school.

But the big dispute is the standards' focus on learning facts. Does it make sense to ask fifth graders to "trace and locate major European explorations of the 16th century and explain reasons for the exploration and settlement of the New World"? What about requiring high school seniors to "summarize precedent-setting Supreme Court interpretations of the U.S. Constitution concerning First Amendment freedoms, due process, equal protection of the law, and government powers (e.g., *Marbury vs. Madison, McCulloch vs. Maryland, Gideon vs. Wainwright*)"? Some critics say these requirements fly in the face of educational research and will keep kids from learning to think. Others ask, what's the point? If students need to know something they can always look it up in an encyclopedia. Why force them to memorize lists of boring facts?

This is nonsense. E.D. Hirsch reminded us several years ago that people who do not share certain facts—he called the facts "core knowledge"—have a hard time communicating with one another. If you go to England and pick up a British newspaper, you'll be able to read the words, but it will be practically impossible to follow what is being said. Why? Because you won't have the basic facts you need to understand the stories: the names of the politicians and football or rock stars and information about the events and issues. Knowing the language without the facts is not enough. And the same is true when it comes to making sense out of history—or any other subject for that matter.

We should teach history by asking students to think about and use the facts they are learning.

On the other hand, if you stop with teaching kids facts, you won't have taken them very far. History is not just facts and chronology. It is a story that answers questions about why the events happened as they did. It helps us to understand great events like the Civil War or Civil Rights Movement. And we teach students history by asking them to think about and use the facts they are learning. That is where the Virginia standards are weak. They ask students to "describe," "identify," "trace," "summarize" and "outline," but they seldom ask students to "compare" or "analyze" or "evaluate" or "hypothesize."

The either/or quality of the debate about the proposed Virginia social studies standards reminds me of an old mistake that some "progressive" educators made about John Dewey's educational theories. Dewey criticized the rigidity of the educational practices of his day. He was especially critical about having kids memorize tons of material without any attempt to get them to understand and use the material they memorized. Progressive educators picked this up and said, "Hey! John Dewey is against memorizing anything." So memorizing was banished from some schools altogether. Students there were taught to read without learning their ABCs. Could they read? Sure, but they couldn't look up anything in a telephone book or a dictionary. Those who insisted that getting kids to memorize facts was the point of schooling were wrong. But so were those who said that memorizing facts had no legitimate place in a good curriculum.

The people who are now working to produce a final version of the Virginia social studies standards ought to take this story to heart. That way Virginia's children will have curriculums that achieve the important balance between learning facts and learning how to use them.

Mr. Shanker's comments appear in this ad under the auspices of the American Federation of Teachers. Reader correspondence is invited. Address your letters to Mr. Shanker at the AFT, 555 New Jersey Avenue, N.W., Washington, D.C. 20001. © 1995 by Albert Shanker.

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in court, the number is comparable to the percentage of plaintiffs who win medical malpractice cases (32 percent) and product liability cases (42 percent). This doesn't mean that doctors aren't committing malpractice, or employers aren't discriminating against white men. It means that doctors and employers, when clearly guilty, are eager to avoid trials that they're likely to lose.

After acknowledging the need for a middle ground, Clinton would be in a perfect position to define it. He might start with a clear distinction: mandatory race and gender preferences, imposed by federal statutes and executive order, are more troubling than those adopted voluntarily by private employers. Rather than trying to take a position on all affirmative action in every sphere of society, Clinton could limit himself to examining the programs that he is directly responsible for administering: the 160 federal race and gender preferences collected by the Congressional Research Service at Senator Dole's request.

In his more moderate moments, Clinton has toyed with two alternatives to the current regime: class-based preferences and affirmative action along the military model. The class-based alternative (see "Class, Not Race," by Richard Kahlenberg, TNR April 3) would be especially perverse for a president who is concerned, above all, with racial diversity. A college board survey, described in Andrew Hacker's *Two Nations*, reveals the problem starkly. In 1992 the average combined SAT score for black students whose parents earn more than $70,000 a year was 854, twenty-five points *lower* than the average SAT for white students whose parents earn less than $20,000. This statistic fatally undermines the premise that disadvantage is a useful proxy for race; and it suggests that need-based preferences, honestly applied, would replace middle-class black students with lower-class white students. Like the color-blind rule, it would produce virtually all-white universities.

Class-based preferences become even more perverse when they're extended beyond university admissions. Imagine two candidates for a promotion to office manager, one of whom got the entry-level job ten years ago because his father was a sharecropper but who is now, thanks to the preference, a middle-class professional. Can he dramatically resurrect his former disadvantage to leapfrog over a colleague named Cabot who, despite a Skull and Bones pedigree, is currently his social and economic equal? The prospect is absurd in a nation founded on the idea that social class is always mutable; and the administration, presumably, will give class-based preferences a discreet burial.

Clinton's second model for affirmative action—the military—is also problematic. The most obvious flaw in the analogy is the abundance in the military of able African American recruits. More than 5 percent of all black men between the ages of 18 and 21 now apply for military service—nearly twice the rate of white applicants. David Armor of George Mason University estimates that if the military admitted all applicants on the basis of a lottery, about half of the force would be African American. But ever since the 1970s, the military has required all candidates to take aptitude tests, and eliminated those in the bottom quartile. During the 1980s and 1990s, about one-half of all black candidates, and one-third of white candidates, were ineligible to join the military, mainly because of low scores.

Because the military has so many able minorities to choose from, it can eliminate the weakest candidates and still achieve a disproportionately large number of African American cadets. Nearly one-third of the enlisted men in the Army are now black, more than three times the percentage of blacks in civilian society. This is hardly a useful model for university admissions or federal employment, where the far smaller numbers of minority applicants create hydraulic pressure to apply different standards to white and black candidates.

The authoritarianism of the military also makes it an unlikely model for the country at large. To enforce racial harmony, the Army has imposed a range of social controls that would hardly be tolerated in civilian society, including extensive surveillance techniques, "shock treatment" sensitivity training and ruthless suppression of racial epithets. Soldiers are not allowed to join unions or strike in the middle of battles. It's possible, therefore, to admire the military's successes in race relations while recoiling at the thought of trying to duplicate its methods in a liberal democracy.

Despite the obvious problems with the analogy, the military does have some useful lessons for Clinton's affirmative action review. The White House has prominently cited the work of Charles Moskos of Northwestern University, who recently met with Clinton. Moskos points to three core principles of affirmative action in the military (see "How Do They Do It?" TNR, August 5, 1991). First, the Army eschews quotas, but it does have goals. Promotions boards are encouraged to promote minority and female officers equivalent to their percentages in the promotion pool, not to the number of minorities and women in the Army as a whole. Second, white and black candidates are held to the same aptitude standards: there is no hint of separate promotion lists. Most important of all, there are no "timetables" to meet the goals. When there are not enough qualified candidates, Moskos claims, the Army refuses to relax its standards.

But having endorsed Moskos's three principles of affirmative action in the military, Clinton will need an iron will to enforce them. For many of the 160 race and gender preferences administered by the federal government violate all three of Moskos's principles. Most dramatically, Executive Order 11,246 and its accompanying regulations require federal contractors to adopt "goals and timetables" pegged to rigid expectations of proportional representation: exactly what Moskos says the military rejects. Similar requirements pervade the federal register. "On a statistical basis," says a Labor Department regulation, "staff representative of the racial and ethnic characteristics in the workforce shall be distributed in substantially the same proportion among (1) all 'job groups' ... and



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(2) all offices in the plan(s)." Even more crudely, Education Department guidelines provide that whenever there is a significant "under-representation or over-representation" of protected groups, the imbalance will be presumed to result from discrimination.

In addition to creating coercive incentives to achieve racial proportionalism, Executive Order 11,246 has failed to achieve its purported goal of expanding opportunity for needy minorities. The most careful survey of the econometric literature, conducted by George Rutherglen of the University of Virginia, suggests that the federal executive order has modestly increased the number of African Americans employed by federal contractors (in the neighborhood of .15 percent annually), but has had little long-term effect on wages. If Clinton is looking for a dramatic gesture as proof of his good faith, therefore, he should repeal Executive Order 11,246, a relic of the Johnson era that has outlived its purposes.

ILLUSTRATION BY TOM PRESTON FOR THE NEW REPUBLIC

What about the other race and gender preferences administered by the federal government? Clinton, of course, has no power to repeal congressional statutes. But since he has promised to review the entire range of federal race and gender programs, determining "what works and what doesn't," he will have to take a position on the rest of the 160 racial preference programs compiled by the Congressional Research Service. Despite the daunting length of the list, the preferences tend to be minute variations on similar themes; and they can be divided into three broad categories—roughly corresponding to the education market, capital market and labor market.

The first and least controversial category consists of federal aid targeted at "historically black colleges and universities." Between 1992 and 1995, for example, historically black colleges were exempted from a regulation disqualifying schools with a high default rate from receiving student loans. Other programs involve set-asides for federal grants: 15 percent of National Science Foundation funds for faculty exchanges are targeted at institutions with "a substantial percentage of minority students." But, although the educational merits of historically black colleges are hotly disputed (according to the American Council on Education, their retention rates for black students are now no higher than predominantly white colleges), all of them are at least formally open to whites as well as blacks. This sort of aid seems less discriminatory than the minority scholarship at the University of Maryland whose constitutionality is being challenged because it is limited to blacks. Clinton can defend the programs in this category as affirmative action at its most benign.

The second broad category on the list is based on the assumption that women and minorities have a harder time getting access to capital than white men do. For example, a long list of federal agencies "encourage" grant recipients to use minority and female-owned banks, including the Departments of Agriculture, Labor and Veterans Affairs, the Rural Economic Development Program and the special Supplemental Food Program for Women, Infants, and Children. The Resolution Trust Completion Act (which expires this year) included a "minority preference in acquisition of institutions in predominantly minority neighborhoods." And other regulations award "preference points" to expand bank ownership by minorities and women.

Are these preferences really necessary? The Equal Credit Opportunity Act, passed in 1974, forbids lending discrimination on the basis of race or gender; and the Community Reinvestment Act, passed in 1977, requires that banks lend in low- and moderate-income communities. Vigorous enforcement of these two laws seems like a more effective way of rooting out lending discrimination than resorting to special preferences for minority-owned banks. In 1992 there were only thirty-six banks owned by blacks and six banks owned by women in the country, which makes it unlikely that they can have much influence on the credit markets, no matter how much "encouragement" they get from the government. And the evidence is mixed about whether black-owned banks actually have a better record of lending to minorities: some studies suggest that they may be more cautious because their assets are more vulnerable.

The most questionable program in this category is the Federal Communication Commission's bidding preferences for minorities and women in auctions for cellular telephone licenses. In 1993 Congress told the FCC "to ensure that small businesses, rural telephone companies, and businesses owned by members of minority



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groups and women" are given the opportunity to own radio and cellular licenses. The commission, accordingly, set aside one-third of its licenses for small businesses, minorities and women. Small businesses with gross revenues under $40 million get a bidding credit of 10 percent. But the Achilles' heel of the program is that businesses owned by women or minorities get an additional 15 percent bidding credit, *whether or not* they are small—that is, even if they have revenues over $40 million. The FCC defines minorities, as "[t]hose of Black, Hispanic Surnamed, American Eskimo, Aleut, American Indian and Asiatic American extraction."

Congress and the FCC don't even try to justify the program in the name of diversity of the airwaves, or compensatory justice. Instead, they claim that bidding preferences are necessary because women and minorities face discrimination in the commercial credit markets. But this premise is hard to accept in a program that favors successful minorities and women, who may have an easier time getting capital than their smaller, non-minority competitors. To justify its empirical claims, the commission relies heavily on a 1992 study by the Federal Reserve Bank of Boston, which concluded that black and Hispanic applicants in the Boston area are roughly 60 percent more likely to be denied a mortgage loan than white applicants with similar income and education. But the premise of the Boston Fed study has been hotly contested. If lending discrimination were a serious problem, only the strongest black applicants would get loans; and the default rate for black borrowers would be lower than the default rate for whites. In fact, as Jonathan Macey of Cornell Law School points out, the reverse is true. A recent study by the Federal Reserve Board compared default rates among 220,000 loans insured by the Federal Housing Administration in the late 1980s. The study found that the average default rate for blacks was 9 percent, significantly above the default rate for Asians (3.2 percent), whites (4.3 percent), Hispanics (5.1 percent) and American Indians (6 percent). All this suggests that, far from discrimination against black borrowers, banks may be discriminating in favor of them.

In the scheme of things, the FCC's bidding preference might be defended as less of a displacement of the free market than crude set-asides for minority contractors. The government is providing a license to compete, rather than a guarantee of monopoly profits; and minority entrepreneurs who make bad business decisions will lose money for themselves and their investors. Nevertheless, the real question is why the government should be going out of its way to help successful minority businesses in the first place. If Clinton is really concerned about trimming away the excesses of affirmative action, then the bidding preferences for minorities and women, like the infamous tax credits for conglomerates that sell to minorities, are ripe for repeal.

The third and largest category of preferences on the Congressional Research Service list includes minority business set-asides for federal contractors. They are modeled on Section 8(d) of the Small Business Act, which requires a certain percentage of federal contracts—at least 10 percent and usually more—to be set aside for "socially and economically disadvantaged business," defined as businesses owned by the following groups: "Black Americans; Hispanic Americans; Native Americans (American Indians, Eskimos, Aleuts or Native Hawaiians); Asian Pacific Americans (persons with origins from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, U.S. Trust Territory of the Pacific Islands, Northern Mariana Islands, Laos, Cambodia or Taiwan)." And women, too.

As Drew Days, the U.S. solicitor general, argued as a Yale law professor, this is one of the largest and least defensible of federal affirmative action programs. Despite its rhetoric about correcting past discrimination, Congress never convincingly established a compensatory rationale for this program when it was established in 1978—there was little evidence of discrimination against recent Asian immigrants in the construction industry—and in the succeeding two decades, the program has drifted even further from its flimsy moorings. The Department of Veterans Affairs, the State Department and the Secretaries of Commerce and Agriculture are required to "establish regular performance monitoring and reporting system to assure that goals are being achieved." Even the Resolution Trust Corporation must set aside work for minorities, although the agency didn't exist when the original set-aside was created in 1978, and so is hardly atoning for past sins.

Minority set-asides for contractors violate all three principles of affirmative action along the military model. The rigid numerical targets must be considered quotas rather than a goal. There is no effort to tailor the goal to the number of qualified firms in the relevant labor market: Colorado, which has a tiny Aleut population, must meet the same minimum targets as Alaska. Furthermore, because prime contractors do most of their own work on highway projects, only a small portion of every job is available for subcontracting to begin with. Therefore, to meet the rigid requirement that 10 percent of the entire job must be set aside for minorities, contractors must often reserve virtually all of their subcontracting work for minority firms. Finally, the program is so easily abused by front men, and has been so polluted by corruption, that it gives the rest of affirmative action a bad name.

The minority set-aside program is now being challenged before the Supreme Court. A sweeping decision in June, striking down the program as unconstitutional, would be Bill Clinton's wildest dream: it would relieve him of the need to take a position on the issue. Still, federal set-asides are so deeply entrenched that even a thunderbolt from the Court is unlikely to obliterate them. In May, 1992, for example, the U.S. Court of Appeals for the D.C. Circuit struck down the District of Columbia's minority business enterprise program, which was modeled on the federal set-asides. A month later, the D.C. City Council responded by renam-



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ing the program the "Equal Opportunity for Local, Small and Disadvantaged Business Enterprise Emergency Act" and establishing a 50 percent set-aside "to provide a preference for local and disadvantaged business enterprises in all available areas of District Government contracting."

Aside from the name, however, nothing else has changed. At the beginning of April, for example, the District held a "MAXACCESS Minority Business Conference" at the Washington Convention Center, promising "Direct access to key people awarding $2 billion in local government (MD, DC, VA) contracts each year." Although the District's refurbished program is supposedly based on need rather than race, the conference revealed that the D.C. government grants "reciprocity" to minority businesses registered in surrounding counties, where the definitions are far more lax. Fairfax County, for example, defines a minority business enterprise as a business, no matter how large or successful, controlled by "African Americans, Hispanic Americans, Asian Americans, American Indians, Eskimos and Aleuts, women regardless of race or ethnicity, all persons with a physical or mental impairment that substantially limits one or more of the major life activities of such individuals, a record of such impairments, or who are regarded as having such impairments." While claiming to focus on economic disadvantage, in short, D.C. still awards contracts on the basis of an expanding list of victimhood.

Unless the justices swoop down to his rescue, Clinton will have to take some position on the minority set-asides, which are, after Executive Order 11,246, the largest preference program the federal government administers. By any measure—remedying past discrimination, helping the disadvantaged or preventing future discrimination—the program is hard to defend. Clinton's options are to repeal the set-asides entirely, or reformulate them as small business preferences that would benefit needy entrepreneurs regardless of race. But this would require real, rather than cosmetic, changes in contracting as it is currently practiced.

If Bill Clinton is serious about separating defensible from indefensible affirmative action, in short, he will have to eliminate most of the mandatory racial preferences that the federal government now administers. But by acting swiftly and decisively on this score, Clinton would have the political and moral capital to draw a crucial distinction: federally mandated affirmative action, which puts the U.S. government in the business of classifying its citizens by race and gender, is more offensive to the ideal of equal citizenship than private affirmative action, voluntarily adopted by individual employers. In practice, those who feel aggrieved by affirmative action may not especially care if they are victims of preferences mandated by the government or chosen by private employers. But Clinton can seize the high ground by embracing a principle of presidential neutrality as the centerpiece of his middle way: affirming the non-discrimination principle in the public sphere; and leaving it up to employers to choose or reject race-consciousness in the private sphere.

In practice, of course, affirmative action as most Americans experience it would be largely undisturbed. In corporate bureaucracies, it's easier to administer crude statistical goals than to develop nuanced rules. And vigorous enforcement of the Civil Rights Act of 1991 would continue to create strong informal pressures for employers to be exquisitely race-conscious and to adopt vigorous affirmative action plans. The act provides that employers can be found guilty of employment discrimination, even when they don't intend to discriminate, whenever their employment practices have a "disparate impact" on minority applicants. To avoid being held liable under a "disparate impact" theory, employers have a strong incentive to reject color-blind hiring strategies, and to take refuge in the safe harbors of racial proportionalism.

If Republicans are committed to color-blindness, therefore, they will have to take the debate to an entirely new level. The bill endorsed by Senator Dole would merely prohibit the federal government from discriminating in favor or against anyone on the basis of race, but would leave private affirmative action undisturbed. A principled commitment to color-blindness, by contrast, would require the Republicans to repeal, or radically refine, the Civil Rights Act of 1991, an act that four years ago many of them supported. Waving the banner of President Bush, the Republicans could try to resurrect the original meaning of discrimination: disparate treatment rather than disparate impact.

This is a battle that Democrats should relish. Flush with the glow of having ended federal classifications by race, Clinton could try to paint the Republicans as the party of resegregation. In fact, as Richard Epstein has argued in *Forbidden Grounds*, individual minorities might fare best if all civil rights laws that regulate behavior in private employment markets were repealed. This would leave the handful of unreconstructed racists free to marginalize themselves, and everyone else free to engage in even more aggressive preferential treatment than current law allows. But Republicans, having boxed themselves into a color-blind corner, do not have the luxury of rejecting the non-discrimination principle entirely.

Perhaps the endless distinctions this sort of middle ground would require are too legalistic to be politically compelling: federal set-asides and the executive order mandating goals and timetables should be repealed, but the Civil Rights Act of 1991 should be retained; the private sphere would look more like America than the public sphere, and so forth. Perhaps, in the next year or so, the entire apparatus of preferences and set-asides will be swept away by judicial or by congressional fiat; and the color-blind principle will be the law of the land for the first time since it was proposed and rejected during Reconstruction. But the search for a middle ground is worth the effort. No laws can save us from our obsessive race-consciousness, which is why it may be more honest simply to take government out of the business of requiring or forbidding racial preferences, except at the margins. Each sphere of society will then be free to sort out its conflicted impulses, with all deliberate speed. •



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# BOOKS & The Arts

## *Stanley Kauffmann on Films*

### Spring Roundup

**Search and Destroy** (October). David Salle, the painter, enters the film world through the door marked "David Lynch." This *bizarrerie*, adapted from a play by Howard Korder, quickly establishes itself as a Lynch-like zonked comic strip—splotches of lurid action connected by febrile whimsy.

The story, if it matters, is about a Florida would-be hustler (Griffin Dunne) who goes to Dallas to get the film rights to a book by a TV sage (Dennis Hopper), then goes to New York to raise production money. There he gets involved with a drug dealer (Christopher Walken) who has strange hair and a weirdo (John Turturro) with even stranger hair.

Salle-land, like Lynch-land, is never quite parodic or satiric. It asks our fealty just because it's anti everything: plot logic, niceties of acting, familiar crime flicks. *Search and Destroy* (the Vietnam echo of the title is part of its irreverence) is less an entertainment than an invitation to conspiracy against Squareness. But it doesn't do its mocking compellingly enough; we can see it straining to be odd. And Salle's visual effects are disappointing, montages and color swatches that seem secondhand. Martin Scorsese, somehow involved, is briefly visible.

**Crumb** (Sony Pictures Classics). Lynch again. The credits say that he "presents" this documentary about Robert Crumb, the artist whom Robert Hughes (interviewed here) calls the Brueghel of the second half of the century. If Crumb sustains that eminence, then future art historians will be grateful to learn from this film that, as certified by a woman, he has the largest penis in the world and masturbates four or five times a day. Additionally, we learn that he wears a hat much of the time, indoors and out; that one of his brothers sleeps occasionally on a bed of nails; and that another brother, markedly neurotic, suffered a fate the press is asked not to disclose in advance.

"About suffering they were never wrong," said Auden of the Old Masters, and he specified Brueghel. Well, Crumb's family gave him ample acquaintance with suffering; perhaps that's what makes him a master of the discomfitingly funny. This breathtaking draughtsman, whom we frequently see at work in black-and-white magic, transforms everything he touches into unique caricature—caricature full of as much fear as loathing. Even when he draws sexual subjects, which he does often, the results aren't pornographic. They don't excite; they rage and despair.

Terry Zwigoff, who has known Crumb for twenty-five years and once played in Crumb's band, the Cheap Suit Serenaders (jazz, blues, ragtime), made this film over a period of six years. It's stuffed with mostly strange and unpleasant details in the life of an artist who rarely stops smiling in person or screaming on paper.

**The Day the Sun Turned Cold** (Kino). For the last ten years or so, a phenomenal number of films have come here from China, Taiwan and Hong Kong. In all the writing about these films, I've read no mention of an astonishing fact. I've seen many of them, and in none of them has there ever been a bad performance. Stories vary in interest, naturally, but the level of acting is never less than convincing. Of course I'm judging solely by the visible; about readings of lines I can't begin to have an opinion.

Yet, about the audible, one point goes unmarked. Many of these films have "western" scores. It was true of the recent *Red Firecracker, Green Firecracker*, and it's true of this latest. This score might be called Hollywood-lush. Which is quite the opposite of the cinematography by Hou Yong—subtle and discerning.

Yim Ho, who has made seven previous features, produced and directed his own screenplay. It begins with a young man walking into a police station to report a murder. He says that, when he was 14 back in his native village, his mother poisoned his father. A police officer accompanies him home and investigates; most of the picture is in flashback.

The story is weak in suspense and insight. It would have even less interest without its setting—the travelogue element helps. But Yim Ho is a skillful director, and his cast consistently appeals.

**The Underneath** (Gramercy). One trouble with Hollywood clichés is that they elicit clichéd responses. About this latest film by Steven Soderbergh, that response is: "Oh, God, not again."

### FILMS WORTH SEEING

**Circle of Friends.** *Three Irish girl friends, one of them rather plain. One handsome Irish boy. Perhaps everything goes a bit too much the way we want it to, but it's all irresistible. (Reviewed 4/10/95)* **Dolores Claiborne.** *A salty Maine woman who is twice suspected of murder. Kathy Bates makes this Stephen King material large and ominous. (4/17/95)* **Martha and I.** *Warm and rueful remembrance in this Czechoslovakian gem about a Jewish actor and his loving German wife—just before and during the Nazi intrusion. (3/13/95)* **Mina Tannenbaum.** *Another Jewish story—in postwar Paris. Mina and her friend Ethel grow up together, discovering life and love and each other. Done with exceptional grace. (3/27/95)*—**SK**



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Again the too-familiar career decline. Soderbergh began with the fascinating *sex, lies and videotape*, made independently and with financial difficulty. After its success, much deserved, he got many offers, and subsequently he made *Kafka*, which at least strove for individual character. Some such striving was true, too, of *King of the Hill*, about a boy with a flimflam father.

But there's not much striving for the unusual in *The Underneath*. This is one more perfect-heist story. Like many in that genre, it is hotted up with cinematic devices: several time-strands, differentiated by color tones; the by-now stale device of printing the exact time—4:23 p.m., 5:11 p.m.—on one of the strands. It all comes to just one more James M. Cain derivative. The biter is bit, then the biter of the biter is bit, too.

In Soderbergh's script, Peter Gallagher plays a no-good who returns to his hometown, Austin, after a long absence, takes up with an old girlfriend who now has a crooked boyfriend and becomes a guard for an armored-car company. Further details surmisable. Gallagher, who was the philandering lawyer in Soderbergh's first picture, again has charm and sparkle and verity; but he's the only real asset of Soderbergh's latest effort to keep his own career going. I wish Soderbergh fifty more films, but I hope that at least some of them are, like his first, independent—in several senses.

**Burnt by the Sun** (Sony Pictures Classics). This Russian work, directed and co-written by Nikita Mikhalkov, is an anthology of Eastern-European film characteristics. Cram a lot of family members and friends into one house in the country. Through the complicated story, wind cryptic strands that are ironically justified at the end. (For instance, a truck driver who is lost in the neighborhood.) Lay on symbolism. (Near the finish a balloon arises out of a field lifting a huge portrait of Stalin.) Begin shots with something puzzling that is soon revealed as commonplace. (We suddenly see a woman staring at her open hand before her face. Why? The camera pulls back to show that she has a pad on her lap and is sketching her hand.) And don't forget the grim conclusion that puts absolutely everything we have seen in a different light.

It's set in 1936. Mikhalkov plays a leading role, a colonel who is a hero of the revolution and civil war. To his dacha, in which are his young wife and small daughter and numerous others, comes a lighthearted prankster friend, the wife's earlier sweetheart, which, in fact, the colonel knows. What he doesn't know is that, under the emotional tensions, is a political surprise.

Some of the political satire is droll (a gas-mask drill at the beach, for instance). But most of the film lolls in conscious Russianness or in somewhat facile ex post facto candor about Stalinism. Oleg Menchikov, as the ex-boyfriend, is a rather angular Punch-inello but has spirit. Mikhalkov, as actor, seems pretty well-pleased with himself. His little daughter, played by his actual daughter, has been induced to be especially cute. •

# *Jed Perl on Art*

## War Stories

Deep into the second decade of the culture wars, with the assaults and counterassaults unfolding with undiminished ferocity, the contemporary art that generally receives the most attention is jingoistic, one-dimensional, a placard raised in a debate. This sloganeering that masquerades as art comes from all sides and is seen everywhere. On an average day in SoHo a gallerygoer will run up against the canned chaos of retro-'60s assemblage, the if-you-can't-lick-'em-join-'em cartoon styles, and a prefab traditionalism that ranges from Los Angeles Minimal to Mediterranean Classic.

Some artists combine classics and cartoons. They may, at least temporarily, be hailed as savvy politicians. As for our best painters and sculptors, they have basically decided not to take positions. Excellent artists are working and exhibiting, but when they do exhibit what may first strike a gallerygoer is the inwardness of the work, a self-absorption that can be mistaken for irrelevance. This quality is not necessarily linked to the size of an artist's reputation; a resolute self-containment is as essential a factor in the enigmatic abstractions of Bill Jensen, who is the most original


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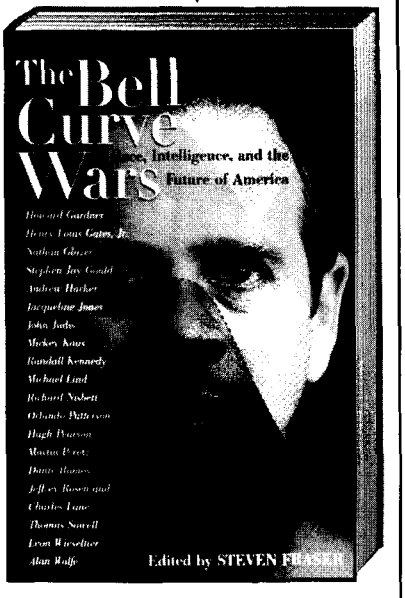


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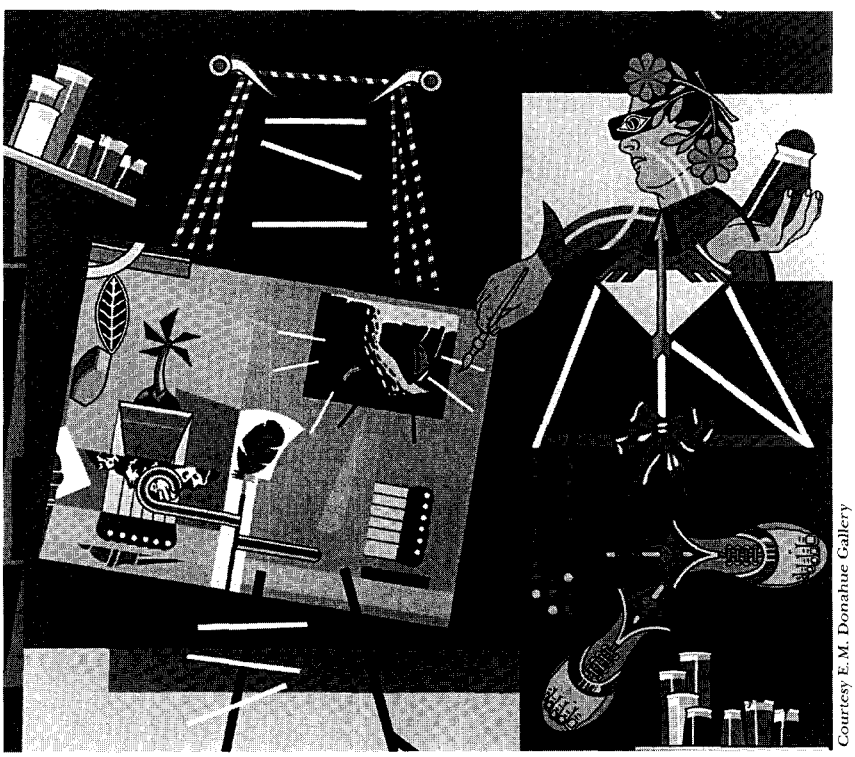
painter to have achieved a top-flight reputation in recent years, as it is in the work of many less well-known artists. The strongest work that's being done today suggests no dominant style, but it all has something of the fierce clarity and complicated inwardness that one expects from private journal entries made in wartime.

This is not a moment when casual forays to the SoHo galleries hold much appeal, and I cannot blame the sophisticated public that has sworn off contemporary art, preferring to return to the Old Masters in the Metropolitan and the Frick. Even the critics are in denial. The muffled, apologetically evenhanded reviews of the Whitney Biennial that have appeared since the show opened on March 23 suggest that the very people who make contemporary art their business don't expect much and are in a make-do frame of mind. Klaus Kertess, who organized this year's Biennial, is passing the peace pipe around when he writes in the catalog that he supports "not a return to formalism but an art in which meaning is embedded in formal value."

Like so many late-breaking developments in the culture wars, the 1995 Biennial is born of reaction, in this case a reaction to the Whitney's last Biennial. The theme of the 1993 show was announced in a catalog preface in which the museum's director, David Ross, praised the artists for their rejection of "cynical formalism" in favor of "the geopolitical, the psychosocial" and what he called—in an attempt at hyperliteracy that sounded more like illiteracy—"the body's politic." This was a show in which an artist with degrees from Brown and Stanford reflected on man's inhumanity to man by dressing up in kitsch ethnic garb and spending several hours a day locked in a metal cage watching old westerns on TV. A whole museum full of this kind of poststructuralist radical chic turned out to be too much even for the people who live for political art, and Ross and his curator, Elisabeth Sussman, found themselves with what became regarded as The Biennial That Had Gone Too Far. Ross had played the art-and-politics card and lost, and having hit bottom he knew that there was nowhere to go but up. Since then the Whitney hasn't eschewed political gestures, it's just become better at packaging them and distributing them. This season's political show, "Black Male: Representations of Masculinity in Contemporary American Art," got the generally white male critics into exactly the sweat of guilt and remorse and accommodation that the Whitney had hoped to trigger in 1993. And now, just a month after "Black Male" went down, we have the payback, a Biennial that the white boys can say is nice to look at.



Courtesy E.M. Donahue Gallery

*THE STUDIO*, 1993 BY TREVOR WINKFIELD

Klaus Kertess has mounted the ultimate nonthreatening Biennial. Who, after going through this show that fills every floor and nook and cranny of the Whitney, believes that Kertess stands for anything at all? Kertess has been spoken about as a man who cares about paintings, but these days caring about painting is often nothing but a debating point, and the Biennial that Kertess has come up with is little more than a truce among rival factions. There are no high points, the low points are familiar ones, the message is that what is is what is.

The scariest thing about the mid-'90s mood is that people are so withdrawn that they're missing the point of, or even missing entirely, a lot of the new work that has a concentrated force. Trevor Winkfield's first show of paintings in six years, which was at E.M. Donahue through April 22, presented a complicatedly allegorical view of postmodern chaos that, if taken to heart, could probably cure a case of the Biennial blahs. But given that nobody any longer believes that miracles can happen in art galleries, I won't be surprised if even the people who saw Winkfield's work have difficulty distinguishing it from the overfull eccentric abstractions of Lari Pittman, which are part of the Biennial blahs.

Winkfield's was one of the two shows in recent weeks that have given a gallerygoer something to take out of the gallery and play around with in the mind's eye. The other was Stanley Lewis's first completely coherent show in eight years, which was at the Bowery Gallery in February and early March. Lewis's jagged yet delicate painterly realism is in every obvious way unlike Winkfield's zany Surrealist onslaught—they're probably totally unaware of each other's work—but this time around both artists were dealing with the same subject. The best work in Winkfield's show was a painting called *The Studio*, and the strongest group of works in Lewis's was a series of drawings of the interior of his studio. The studio is always where the action is, and Winkfield and Lewis, by putting the action in italics, are telling us that they're hanging in there for the duration.

What happens when an artist gets down to work is always essentially the same. It has to do with pushing forms as far as they will go, with allowing the logic of the forms to unfold as you go along. There must be logic, but the mystery is that the logic is always changing, and an artist needs an extraordinary combination of openmindedness and precision to be able to go when the going gets good. Going deeper into the studio is literally the subject of Lewis's big, romantically expressionist pencil drawings, and he makes the theme work for him because he makes a gallerygoer believe that each plunge into real space is an emotional adventure.



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There were several startlingly lovely paintings in the Bowery show, with unforced yet precise passages of autumn foliage against hard blue sky, but the main event was the studio drawings. Lewis has a gorgeous way with his jabbing pencil lines; he erases so much that the paper starts to give out; and then he collages on more paper and starts again. He makes me feel dizzy as I go through this jumbled labyrinth of easels and tables and shelves, piles of unfinished sculpture, paintings, paint cans. These convoluted mannerist spaces are full of contradictory vistas and alarming leaps in scale. Lewis gives his drawings some of the space-fantasy element that we know from Piranesi's *Carceri*, and this makes perfect sense because the artist's studio can feel like a prison in spite of all the potential escape routes.

Right now, purism looks illogical. Lewis uses abstract velocities for realist effect, and he's right to do so, because homogeneity strikes us as a false, even a dishonest, note, while the work that races forward admits of the simultaneous presence of opposing forces—abstract and realist, classic and romantic—and revels in the unexpected affinities. Modern art began by taking the nineteenth century's encyclopedic cataloging of the past for granted. The artists admired that past, played with it, leaped forward from it. Creation was a reaction. But in the best work that's coming out of the studios today there's less of an us-and-them feeling about the relationship of the old and the new, the sophisticated and the vernacular. The artists who are now in their 40s and 50s took in pop culture and the nineteenth-century vision of world art and the early-twentieth-century reactions to that vision simultaneously, so that you don't see brand new reactions so much as old ways of thinking coming together in entirely new ways.

Klaus Kertess has included all kinds of styles in this Whitney Biennial, but this does not mean that the artists that he's spotlighting know what to do with their freedom to choose. Kertess has an eye for arresting images, but he doesn't know how structures bring imagery to life. So what's the point? The show preaches openmindedness, but at its heart it's product-oriented, ends-oriented. Kertess's idea of a good painting is an elegant surface that does nothing (as in Brice Marden) or next to nothing (as in the Agnes Martins). His choice of a painterly realist is the likable but limited Jane Freilicher, who knows how to nurse her naïveté so that it registers as a curious

# ART SCENES *Galleries, Exhibits, and Events*

**Terry Dintenfass Gallery** 50 West 57th Street, NYC, 10019, 212-581-2268. Tuesday through Saturday, 10-5:30. *Nina Levy: Trinkets, Baubles, Mementos.* Recent sculptures based on the human figure and its parts. Made from cast and colored resin, these works offer intriguing reflections on personal identity and the paradoxes of human existence. First New York one-person exhibition of this Chicago based sculptor's work opens May 4th, through June 9th. Also on view in the Small Gallery: works by artists including Bigbee Barnet, Dove Evergood, Goodman, Gwathmey, King, MacIver and Pippen.

**Swann Galleries** 104 East 25th Street, NYC, 10010 212-254-4710. AUCTIONS: April 13: Important Works on Modern Physics, Science & Technology, Medicine, Natural History; April 20: Rare Books; April 27: Americana: The Westward Expansion; May 11: Art & Architecture Books; May 18: 18th & 19th Century Literature, Curiosa; May 25: Works of Art on Paper. Please call for preview hours, newsletter with full auction schedule, and to order catalogues with absentee bid forms.

**Frumkin/Adams Gallery** 50 West 57th Street, NYC, 10019, 212-757-6655. Tuesday through Friday, 10-6; Saturday, 10-5:30. James Valerio: New Paintings. The exhibition consists of two very large new paintings, one a still-life, the other a mysterious figure painting called "Bride". In addition there are two highly detailed drawings on view. In the Drawing Gallery: Peter Saul; "Castro's Mother Destroys Miami" with related drawings. Both through April.

**E.M. Donahue** 560 Broadway, #304, NYC, 10012, 212-226-1111. Tuesday through Saturday, 10-6. Trevor Winkfield: New Paintings, March 23-April 22. Quotes from John Ashbery; "Edith Sitwell, who wrote a book called *The English Eccentrics* and knew whereof she spoke, advanced the theory that eccentricity 'is not, as dull people would have us believe, a form of madness.' Rather, it is 'a kind of innocent pride...: and the man of genius and the aristocrat are entirely unafraid of and uninfluenced by the opinions and vagaries of the crowd.' These words certainly apply to Trevor Winkfield, an English eccentric who has lived among us since 1969." Transparencies and slides available, contact Ronald Sosinski, Director. Additional show: Marjorie Welish, new paintings, April 27-June 3. Catalogue available by Elaine A. King.

**Anita Shapolsky Gallery** 99 Spring Street, NYC, 10012, 212-334-9755. Wednesday-Saturday, 11 a.m.-6 p.m., Tuesday by appointment. GALLERY 1: Works from the Sixties: Ernest Briggs, Clement Meadmore, and William Saroyan; GALLERY II: James Bohary, Perez Celis, Robert Draffen, Harry Leigh, Carol Hunt, Omar Rayo, Stanley Twardowicz, Erik Van der Grijn. Ernest Briggs (1923-1984), one of the original Abstract Expressionist painters, explored the dynamics of strokes, smears and splashes. Clement Meadmore (b. 1929), although initially linked with the minimalists, has transcended geometry with work of uncommon force and elegance. William Saroyan (1908-1981) celebrated for his plays, short stories, and novels, was also an accomplished visual artist who neither sold nor exhibited his watercolors and drawings during his lifetime. Through June 3.

**Matthew Marks Gallery** 1018 Madison Avenue, NYC 10021. 212-861-9455. "PICASSO: Works from the rue des Grands-Augustins Studio, 1939-47" 29 April through 24 June 1995, Tuesday-Saturday, 10:00-5:30 p.m.
522 West 22nd Street, NYC, 10011, 212-243-1650. "RICHARD SERRA: To Whom it May Concern" 28 April through 25 June 1995, Thursday-Sunday, 12:00-6:00 p.m.

**Forum Gallery** 745 Fifth Avenue at 57th Street, NYC, 10151, 212-355-4545. Hours (through May): Tuesday-Saturday, 10 a.m.-5:30 p.m. *Odd Nerdrum: New Paintings* Opening: April 20, 5:50-7:30 p.m. ODD NERDRUM: NEW PAINTINGS features recent painting by Norwegian artist Odd Nerdurm (b. 1941), who is recognized as one of the world's most important figurative artists, and is considered the successor to the 20th century artist Edvard Munch. Nerdrum is known for his neo-Renaissance and Classical themes. April 20-May 26, 1995.



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poetic mannerism. When he digs up a younger abstract artist—Sam Reveles is a case in point—the work is so flaccid and inept that it leaves one wondering if Kertess has any idea of how a brushstroke achieves dynamic power. And Kertess doesn't do much better with photography, although Jeff Wall's photographic variation on a Hokusai print, in which a gust of wind lofts a bundle of papers into the air and men clutch their headgear, does uncover pleasing poetic double entendres within the pearly light of an unexceptional day.

In his catalog essay, Kertess looks to Borges's famous story "The Library of Babel" for an analogy to the art scene, which he speaks of as the Museum of Babel. Kertess doesn't press the analogy, but he does, in an eight-page picture essay that precedes the title page, juxtapose photographs of the Tower of Babel and the Whitney Museum, and he obviously believes that contemporary artists are caught in the midst of a Babel of meanings. Kertess reasons that the artists who are confronted with this overload must reach beyond meaning by turning "a mental concept into completely sensory experience." And he goes on to say that "this transference that takes place in time and space is metaphor."

Kertess isn't much of a writer, but the ideas that he's alluding to are as obvious as they are amorphous, and contemporary artists won't have any trouble knowing what he has in mind. You can count on the fingers of your hands, however, the artists in this Biennial who can present metaphor as a process, not an attitude. A room-size assemblage, such as the Jason Rhoades piece with the heaps of donuts, is, like the rest of the neo-Allan Kaprow and neo-Bruce Nauman stuff in the show, ideologically metaphorical, nothing more. So is most of what we see here of cartoon-inspired art, although Carroll Dunham and Philip Taaffe, who both adapt some of the surface effects of popular illustration and design, do prove that pop color and pop form have metaphorical possibilities. Taaffe's abstractions, with their Middle Eastern patterning and retro-chic biomorphism, may add up to little more than great graphic design, but the artist's way of stenciling and printing his colors gives impersonality a particular visual character that can paradoxically heat up a work.

The problem for artists who see real picture-making possibilities in pop imagery is that it's almost impossibly hard to follow an intuitive visual logic when one is using forms that have been devised to make everybody see and feel the same thing. No artist has been caught in this dilemma more often than Dunham, a psychedelic sophisticate who can be hard and calculating in his paintings (see the Biennial selection) and generally loosens up in a good way in his diaristic drawings, where he remembers where R. Crumb ends and C. Dunham begins.

As for Trevor Winkfield, whose show at E.M. Donahue opened in the same week as the Biennial, he gets going at exactly the point where the Kertess show's cartoon side runs out of steam. Winkfield's work is cartoonish in ways that the mass-market people couldn't imagine in their wildest dreams. Winkfield makes a metaphor out of Kertess's Babel, but I doubt that this Babel really wants to have its conflicts resolved. Winkfield's abstractions are the products of a delightfully split sensibility—half orthodox Constructivist, half Edwardian pack rat—and that split gives him intuitive access to the high-versus-low confusions. Winkfield presents a construction-paper-bright world in which people are amalgams of weird thingamajigs and even inanimate objects fly off the handle. Although one never knows what's going to happen next in Winkfield's hard-edged surrealist spaces, he does understand that it is his responsibility to demonstrate that the center ultimately holds. He's an anthologist of kitsch drawing styles, each considered through his eyes, his sensibility. He's also a connoisseur of the shifts in emphasis that turn style into neo-style and then into new style. Of the ten paintings in the Donahue show, six or seven are of an Art Deco intricacy that's almost too clever, three or four are first rate and *The Studio*, an audacious treatise on the art of painting, is probably the best thing that Winkfield has ever done.

In *The Studio*, Winkfield presents both the creator and the creation—to the right is the Dadaist marionette of an artist, to the left is what he's wrought—and he shows them to be both distinct and intertwined. The artist is a harum-scarum comic hero who advertises his lofty aspirations with a sort of medieval headgear and a bit of schoolboy's Roman-hero drag, but basically he's so busy trying to hold the line in the studio that he can't give us the time of day. His easel, composed of Suprematist angled lines and a couple of pipes that recall Magritte's *Ceci n'est pas une pipe*, is in a state of near-collapse. And the painting-within-a-painting—a hard-to-parse creation that includes, maybe, a bit of Grand Canyon kitsch—is dangerously askew. *The Studio*, with its inspiriting orchestration of deep reds and blues, is the self-portrait of an artist who knows the world is going crazy and just presses on. The message is altogether upbeat. If you have your feet firmly planted on the ground, as this artist's sandaled ones, shown from above, clearly are, then everything else can float and fly and spin.

What I love about the painting is the carefully weighted details that Winkfield gives to his wildest fancies. A treatise on painting must have its color theory, and Winkfield presents his in the form of a shelf with glass beakers full of paint that appears in both a six-color and a seven-color version; it's reminiscent of the rows of laboratory-precise jars of pigments in photographs of Kandinsky's Paris studio. On the right side of *The Studio* the cache of colors is in good order, as neat as in Kandinsky's atelier. On the other side of the painting, however, something is amiss. The shelf is slipping and the beaker of purple paint is nowhere to be found. I wondered what had become of that royal purple, and then I found it clutched in the marionette-like artist's hand. With the brush in his other hand he's busy giving his painting a few purple patches. Of course the shelf is at an angle: inspiration has struck. And through a process of transformation, whereby the paint within the painting is picked up by the painter in order to create the painting, Winkfield for perhaps the first time in his career pushes beyond dazzling design to the freedom of composition.

Winkfield's eclecticism can be called postmodern. But postmodern implies reaction, as in the new taste for the old reacting against the old taste for the new, and Winkfield is too much the unconflicted antipurist to be an ideologue of any stripe. The best artists of Winkfield's generation—he's 51—are all committed to an idealistic eclecticism. Such an open-ended aesthetic could never gain wide acceptance amid the perpetually redrawn battle lines of the art scene, and by now its origins are lost forever in the prehistory of the culture wars, but artists are dreamers and they just keep on dreaming. Apparently they're not the only ones. Damned if Klaus Kertess, who's 54, doesn't believe in that openness, too. And he's gone right out and sold the dream to the devil by turning idealistic eclecticism into a Whitney Museum product. When it comes to contemporary art, nobody can make a difference at the Whitney; the place is too far gone for that. But doesn't it ever occur to anybody to just say no? •



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**Isaac Babel and the question of identity.**

# *The Year of Writing Dangerously*

**BY CYNTHIA OZICK**

Identity, at least, is prepared to ask questions.

—Leon Wieseltier

A year or so before the Soviet Union imploded, S.'s mother, my first cousin, whose existence until then had been no more than a distant legend, telephoned from Moscow. "Save my child!" she cried, in immemorial tones. So when S. arrived in New York, I expected a terrified refugee on the run from the intolerable exactions of popular anti-Semitism; at that time the press was filled with such dire reports. For months, preparing for her rescue, I had been hurtling from one agency to another, in search of official information on political asylum.

*1920 Diary*
by Isaac Babel
translated by H.T. Willetts, edited with an introduction and notes by Carol J. Avins
(Yale University Press, 126 pp., $20)

*Collected Stories*
by Isaac Babel
edited and translated with an introduction by David McDuff
(Penguin Books, 364 pp., $11.95)

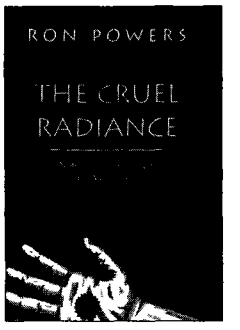
But when S. finally turned up, in black tights, a miniskirt and the reddest lipstick, it was clear she was indifferent to all that. She didn't want to be saved. What she wanted was an American holiday, a fresh set of boyfriends and a leather coat. She had brought with her a sizable cosmetics case, amply stocked, and a vast, rattling plastic bag stuffed with hundreds of cheap tin Komsomol medals depicting Lenin as a boy. She was scornful of these; they were worthless, she said. She had paid pennies for the lot. Within two weeks S., a natural entrepreneur, had established romantic relations with the handsome young manager of the local sports store and had got him to set up a table at Christmas in his heaviest traffic location. She sold the tin Lenin medals for $3 each, made $300 in a day, and bought the leather coat.

Of course she was a great curiosity. Her English was acutely original, her green eyes gave out ravishing ironic lightnings, her voice was as dark as Garbo's in *Ninotchka*, and none of us had ever seen an actual Soviet citizen up close before. She thought the telephone was bugged. She thought the supermarket was a public exhibition. Any show of household shoddiness—a lamp, say, that came apart—would elicit from her a comical crow: "Like in Soviet!" She was, emphatically, no atheist: she had an affinity for the occult, believed that God could speak in dreams (she owned a dream book, through which Jesus often walked), adored the churches of old Russia and lamented their destruction by the Bolsheviks. On the subject of current anti-Semitism she was mute; that was her mother's territory. Back in Moscow, her boyfriend, Gennadi, had picked her up in the subway *because* she was Jewish. He was in a hurry to marry her. "He want get out of Soviet," she explained.

At home she had been a Sportsdoktor: she traveled with the Soviet teams, roughneck country boys, and daily tested their urine for steroids. (Was this to make sure her athletes were properly dosed?) She announced that *everybody* hated Gorbachev, only the gullible Americans liked him, he was a joke like all the others. A historically minded friend approached S. with the earnest inquiry of an old-fashioned liberal idealist: "We all know, obviously, about the excesses of Stalinism," she said, "but what of the *beginning*? Wasn't Communism a truly beautiful hope at the start?" S. laughed her cynical laugh; she judged my friend profoundly stupid. "Communism," she scoffed, "what Communism? Naïve! Fairy tale, always! No Communism, never! Naïve!"

And leaving behind five devastated American-as-apple-pie boyfriends (and wearing her leather coat), S. returned to Moscow. She did not marry Gennadi. Her mother emigrated to Israel. The last I heard of S., she was in business in Sakhalin, buying and selling—

CYNTHIA OZICK's play *The Shawl*, directed by Sidney Lumet, will be produced in New York in the fall.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and passing off as the real thing—ersatz paleolithic mammoth tusks.

Well, it is all over now—the Great Experiment, as the old brave voices used to call it—and S. is both symptom and proof of how thoroughly it is over. She represents the Soviet Union's final heave, its last generation. S. is the consummate New Soviet Man: the unfurled future of its seed. If there is an axiom here, it is that idealism squeezed into utopian channels will generate a cynicism so profound that no inch of human life—not youth, not art, not work, not romance, not introspection—is left untainted. The S. whom I briefly knew trusted nothing. In her world, there was nothing to trust. The primal Communist fairy tale had cast its spell: a *baba yaga*'s birth-curse.

In college I read *The Communist Manifesto*, a rapture-bringing psalm. I ought to have read Isaac Babel's *Red Cavalry* stories, if only as a corrective companion text. Or antidote. "But what of the beginning?" my friend had asked. S. answered better than any historian, but no one will answer more terrifyingly than Isaac Babel. If S. is the last generation of New Soviet Man, Babel is the first, the *Manifesto*'s primordial manifestation.

That Babel favored the fall of the Czarist regime is no anomaly. He was a Jew from Odessa, the child of an enlightened family, hungry for a European education; he was subject to the *numerus clausus*, the Czarist quota that kept Jews as a class out of the universities, and Babel in particular out of the University of Odessa. As a very young writer, he put himself at risk when, to be near Maxim Gorky, his literary hero, he went to live illegally in St. Petersburg, a city outside the Pale of Settlement (the area to which Jews were restricted). What Jew would not have welcomed the demise of a hostile and obscurantist polity that, as late as 1911, tried Mendel Beiliss in a Russian court on a fantastic blood libel charge, and what Jew in a time of government-sanctioned pogroms would not have turned with relief to forces promising to topple the oppressors? In attaching himself to the Bolshevik cause, Babel may have been more zealous than many, but far from aberrant. If the choice were either Czar or Bolshevism, what Jew could choose Czar? (A third possibility, which scores of thousands sought, was escape to America.) But even if one were determined to throw one's lot in with the Revolution, what Jew would go riding with Cossacks?

In 1920 Isaac Babel went riding with Cossacks. It was the third year of the Civil War, revolutionary Reds versus Czarist Whites; he was 26. Babel was not new to the military. Two years earlier, during the First World War, he had been a volunteer—in the Czar's army—on the Romanian front, where he contracted malaria. In 1919 he fought with the Red Army to secure St. Petersburg against advancing government troops. And in 1920 he joined ROSTA, the Soviet wire service, as a war correspondent for the newspaper *Red Cavalryman*.

Poland, newly independent, was pressing eastward, hoping to recover its eighteenth-century borders, while the Bolsheviks, moving westward, were furiously promoting the Communist salvation of Polish peasants and workers. The Polish-Soviet War appeared to pit territory against ideology. In reality, territory—or, more precisely, the conquest of impoverished villages and towns and their wretched inhabitants—was all that was at stake for either side. Though the Great War was over, the Allies, motivated by fear of the spread of communism, went to the aid of Poland with equipment and volunteers. (Ultimately the Poles prevailed and the Bolsheviks retreated, between them despoiling whole populations.)

In an era of air battles, Babel was assigned to the First Cavalry Army, a Cossack division led by General Semyon Budyonny. The Cossack image—glinting sabers, pounding hooves—is indelibly fused with Czarist power, but the First Cavalry Army was, perversely, Bolshevik. Stalin was in command of the southern front, the region abutting Poland, and Budyonny was in league with Stalin. Ostensibly, then, Babel found himself among men sympathetic to Marxist doctrine. Yet Red Cossacks were no different from White Cossacks: untamed riders, generally illiterate, boorish and brutish, suspicious of ideas of any kind, attracted only to horseflesh, rabid looting and the quick satisfaction of hunger and lust. "This isn't a Marxist revolution," Babel privately noted; "it's a rebellion of Cossack wild men." Polish and Russian cavalrymen clashing in ditches while warplanes streaked overhead was no more incongruous than the raw sight of Isaac Babel—a writer who had already published short stories praised by Gorky—sleeping in mud with Cossacks.

Lionel Trilling, in a highly nuanced (though partially misinformed) landmark introduction to a 1955 edition of *The Collected Stories of Isaac Babel* (which included the *Red Cavalry* stories), speaks of "the joke of a Jew who is a member of a Cossack regiment." A joke, Trilling explains, because

> traditionally the Cossack was the feared and hated enemy of the Jew. The principle of his existence stood in total antithesis to the principle of the Jew's existence. The Jew conceived of his own ideal character as intellectual, pacific, humane. The Cossack was physical, violent, without mind or manners . . . the natural and appropriate instrument of ruthless oppression.

Yet Trilling supplies another, more glamorous, portrait of the Cossack, which he terms Tolstoyan: "He was the man as yet untrammeled by civilization, direct, immediate, fierce. He was the man of enviable simplicity, the man of the body—the man who moved with speed and grace." In short, "our fantasy of the noble savage." And he attributes this view to Babel.

As it turns out, Babel's tenure with Budyonny's men was more tangled, and more intricately psychological, than Trilling—for whom the problem was tangled and psychological enough—could have known or surmised. For one thing, Trilling mistakenly believed that Babel's job was that of a supply officer—i.e., that he was actually a member of the regiment. But as a correspondent for a news agency (which meant grinding out propaganda), Babel's position among the troops was from the start defined as an outsider's, Jew or no. He was there as a writer. Worse, in the absence of other sources, Trilling fell into a crucial—and surprisingly naïve—second error: he supposed that the "autobiographical" tales were, in fact, autobiographical.

Babel, Trilling inferred from Babel's stories, "was a Jew of the ghetto" who "when he was 9 years old had seen his father kneeling before a Cossack captain." He compares this (fictitious) event to Freud's contemplation of his father's "having accepted in a pacific way the insult of having his new fur cap knocked into the mud by a Gentile who shouted at him, 'Jew, get off the pavement.'" "We might put it," Trilling concludes, that Babel rode with Budyonny's troops because he had witnessed his father's humiliation by "a Cossack on a horse, who said, 'At your service,' and touched his fur cap with his yellow-gloved hand and politely paid no heed to the mob looting the Babel store."

There was no Babel store. This scene—the captain with the yellow glove, the Jew pleading on his knees while the pogrom rages—is culled from Babel's story "First Love." But it was reinforced for Trilling by a fragmentary memoir, published in 1924, wherein Babel calls himself "the son of a Jewish shopkeeper." The truth was that Babel was the son of the class enemy: he came from a well-off family. His father sold agricultural machinery and owned a warehouse in a



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business section of Odessa where numerous import-export firms were located. In the same memoir Babel records that, since he had no permit allowing him residence in St. Petersburg, he hid out "in a cellar on Pushkin Street which was the home of a tormented, drunken waiter." This was pure fabrication: in actuality Babel was taken in by a highly respectable engineer and his wife, with whom he was in correspondence. The first invention was to disavow a bourgeois background in order to satisfy Communist dogma. The second was a romantic imposture.

It did happen, nevertheless, that the young Babel was witness to a pogrom. He was in no way estranged from Jewish suffering or sensibility or, conversely, from the seductive winds of contemporary Europe. Odessa was modern, bustling, diverse, cosmopolitan; its very capaciousness stimulated a certain worldliness and freedom of outlook. Jewish children were required to study the traditional texts and commentaries, but they were also sent to learn the violin. Babel was early on infatuated with Maupassant and Flaubert, and wrote his first stories in fluent literary French. In his native Russian he lashed himself mercilessly to the discipline of an original style, the credo of which was burnished brevity. At the time of his arrest by the NKVD in 1939—he had failed to conform to Socialist Realism—he was said to be at work on a Russian translation of Sholem Aleichem.

Given these manifold intertwinings, it remains odd that Trilling's phrase for Babel was "a Jew of the ghetto." Trilling himself had characterized Babel's Odessa as "an eastern Marseilles or Naples," observing that "in such cities the transient, heterogeneous population dilutes the force of law and tradition, for good as well as for bad." One may suspect that Trilling's cultural imagination (and perhaps his psyche as well) was circumscribed by a kind of either/or: either worldly sophistication or the ghetto; and that, in linking Jewish learning solely to the ghetto, he could not conceive of its association with a broad and complex civilization.

This partial darkening of mind, it seems to me, limits Trilling's understanding of Babel. An intellectual who had mastered the essentials of rabbinic literature, Babel was an educated Jew not "of the ghetto" but of the world. And not "of both worlds," as the divisive expression has it, but of the great and variegated map of human thought and experience. Trilling, after all, in his own youth had judged the world to be rigorously divided. In 1933, coming upon one of Hemingway's letters, he wrote in his notebook:

> [A] crazy letter, written when he was drunk—self-revealing, arrogant, scared, trivial, absurd; yet [I] felt from reading it how right such a man is compared to the "good minds" of my university life—how he will produce and mean something to the world ... how his life which he could expose without dignity and which is anarchic and "childish" is a better life than anyone I know could live, and right for his job. And how far—far—far—I am going from being a writer.

Courtesy A.N. Pirozhkova

ISAAC BABEL IN 1920

Trilling envied but could not so much as dream himself into becoming a version of Hemingway—rifle in one hand and pen in the other, intellectual Jew taking on the strenuous life; how much less, then, could he fathom Babel as Cossack. Looking only to Jewish constriction, what Trilling vitally missed was this: coiled in the bottom-most pit of every driven writer is an impersonator, protean, volatile, restless, relentless. Trilling saw only stasis, or, rather, an unalterable consistency of identity: either lucubration or daring, never both. But Babel imagined for himself an identity so fluid that, having lodged with his civilized friend, the St. Petersburg engineer, it pleased him to invent a tougher Babel consorting underground with a "tormented, drunken waiter." A drunken waiter would have been adventure enough—but ah, that Dostoyevskian "tormented"!

"He loved to confuse and mystify people," his daughter Nathalie wrote of him, after decades spent in search of his character. Born in 1929, she lived with her mother in Paris, where her father was a frequent, if raffish, visitor. In 1935 Babel was barred from leaving the Soviet Union, and never again saw his wife and child. Nathalie Babel was 10 when Babel was arrested. In 1961 she went to look for traces of her father in Moscow,

> where one can still meet people who loved him and continue to speak of him with nostalgia. There, thousands of miles from my own home in Paris, sitting in his living room, in his own chair, drinking from his glass, I felt utterly baffled. Though in a sense I had tracked him down, he still eluded me. The void remained.

In a laudatory reminiscence published in a Soviet literary magazine in 1964—a time when Babel's reputation was undergoing a modicum of "rehabilitation"—Georgy Munblit, a writer who had known Babel as well as anyone, spoke of "this sly, unfaithful, eternally evasive and mysterious Babel"; and though much of this elusiveness was caution in the face of Soviet restriction, a good part of it nevertheless had to do with the thrill of dissimulation and concealment. In a speech in Moscow in the mid-1960s at a meeting championing Babel's work, Ilya Ehrenburg, the literary Houdini who managed to survive every shift of Stalinist whim, described Babel as liking to "play the fool and put on romantic airs. He liked to create an atmosphere of mystery about himself; he was secretive and never told anybody where he was going."



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Other writers (all of whom had themselves escaped the purges) came forward with recollections of Babel's eccentricities in risky times: Babel as intrepid wanderer; as trickster, rapscallion, ironist; penniless, slippery, living on the edge, off the beaten track, down and out; seduced by the underlife of Paris, bars, whores, cabdrivers, jockeys. All this suggests Orwellian experiment and audacity. Babel relished Villon and Kipling, and was delighted to discover that Rimbaud, too, was an "adventurer." Amusing and mercurial, "he loved to play tricks on people," according to Lev Nikulin, who was at school with Babel and remembered him "as a bespectacled boy in a rather shabby school coat and a battered cap with a green band and badge depicting Mercury's staff."

Trilling, writing in 1955, had of course no access to observations such as these; and we are as much in need now as Trilling was of a valid biography of Babel. Still, it is clear even from such small evidences and quicksilver portraits that Babel's connection with the Cossacks was, if not inevitable, more natural than not; and that Trilling's Freudian notion of the humiliated ghetto child could not have been more off the mark. For Babel, lamp oil and fearlessness were not antithetical. He was a man with the bit of recklessness between his teeth. One might almost ask how a writer so given to disguises and role-playing could *not* have put on a Cossack uniform.

"The Rebbe's Son," one of the *Red Cavalry* tales, is explicit about this fusion of contemplative intellect and physical danger. Ilya, the son of the Zhitomir Rebbe, "the last prince of the dynasty," is a Red Army soldier killed in battle. The remnants of his possessions are laid out before the narrator:

> Here everything was dumped together—the warrants of the agitator and the commemorative booklets of the Jewish poet. Portraits of Lenin and Maimonides lay side by side. Lenin's nodulous skull and the tarnished silk of the portraits of Maimonides. A strand of female hair had been placed in a book of the resolutions of the Sixth Party Congress, and in the margins of Communist leaflets swarmed crooked lines of ancient Hebrew verse. In a sad and meager rain they fell on me—pages of the Song of Songs and revolver cartridges.

Babel was himself drawn to the spaciousness and elasticity of these unexpected combinations. They held no enigma for him. But while the Rebbe's son was a kind of double patriot, loyal to the God of Abraham, Isaac and Jacob and loyal to a dream of the betterment of Russia, Babel tended toward both theological and (soon enough) political skepticism. His *amor patriae* was, passionately, for the Russian mother tongue. Before the Stalinist prison clanged shut in 1935, Babel might easily have gone to live permanently in France, with his wife and daughter. Yet much as he reveled in French literature and language, he would not suffer exile from his native Russian.

A family can be replaced, or duplicated; but who can replace or duplicate the syllables of Pushkin and Tolstoy? And in fact (though his wife in Paris survived until 1957, and there was no divorce) Babel did take another wife in the Soviet Union, who gave birth to another daughter. A second family was possible; a second language was not. (Only consider what must be the intimate sorrows—even in the shelter of America, even after the demise of Communism—of Czeslaw Milosz, Joseph Brodksy, Norman Manea and countless other literary refugees.) By remaining in the Soviet Union, and refusing finally to bend his art to Soviet directives, Babel sacrificed his life to his language.

It was a language he did not allow to rest. He meant to put his spurs to it, and run it to unexampled leanness. He quoted Pushkin: "precision and brevity." "Superior craftsmanship," Babel told Munblit, "is the art of making your writing as unobtrusive as possible." Ehrenburg recalled a conversation in Madrid with Hemingway, who had just discovered Babel. "I find that Babel's style is even more concise than mine.... It shows what can be done," Hemingway marveled. "Even when you've got all the water out of them, you can still clot the curds a little more." Such idiosyncratic experiments in style were hardly congruent with official pressure to honor the ascent of socialism through prescriptive prose about the beauty of collective farming. Babel did not dissent from party demands; instead he fell mainly into silence, writing in private and publishing almost nothing. His attempts at a play and a filmscript met convulsive party criticism; the director of the film—an adaptation of a story by Turgenev—was forced into a public apology.

The *Red Cavalry* stories saw print, individually, before 1924. Soviet cultural policies in those years were not yet consolidated; it was a period of post-revolutionary leniency and ferment. Russian modernism was sprouting in the shape of formalism, acmeism, imagism, symbolism; an intellectual and artistic avant-garde flourished. Censorship, which had been endemic to the Czarist regime, was reintroduced in 1922, but the restraints were loose. Despite a


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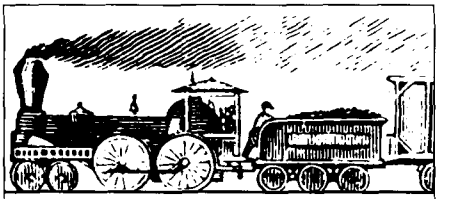

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program condemning elitism, the early Soviet leadership, comprising a number of intellectuals—Lenin, Bukharin, Trotsky—recognized that serious literature could not be wholly entrusted to the sensibilities of party bureaucrats.

By 1924, then, Babel found himself not only famous, but eligible eventually for Soviet rewards: an apartment in Moscow, a dacha in the country, a car and chauffeur. Yet he was increasingly called on to perform (and conform) by the blunter rulers of a darkening repression. Why was he not writing in praise of New Soviet Man? Little by little a perilous mist gathered around Babel's person: though his privileges were not revoked (he was at his dacha on the day of his arrest), he began to take on a certain pariah status. When a leftist Congress for the Defense of Culture and Peace met in Paris, for example, Babel was deliberately omitted from the Soviet delegation, and was grudgingly allowed to attend only after the French organizers brought their protests to the Soviet Embassy.

Certain manuscripts he was careful not to expose to anyone. Among these was the remarkable journal he had kept, from June to September 1920, of the actions of Budyonny's First Cavalry Army in eastern Poland. Because it was missing from the papers seized by the secret police at the dacha and in his Moscow flat, the manuscript escaped destruction, and came clandestinely into the possession of Babel's (second) wife only in the 1950s. Ehrenburg was apparently the journal's first influential reader, though very likely he did not see it until the 1960s, when he mentioned it publicly, and evidently spontaneously, in his rehabilitation speech:

> I have been comparing the diary of the *Red Cavalry* with the stories. He scarcely changed any names, the events are all practically the same, but everything is illuminated with a kind of wisdom. He is saying: this is how it was. This is how the people were—they did terrible things and they suffered, they played tricks on others and they died. He made his stories out of the facts and phrases hastily jotted down in his notebook.

It goes without saying that the flatness of this essentially evasive summary does almost no justice to an astonishing historical record set down with godlike prowess in a prose of frightening clarity. In Russia the complete text of the journal finally appeared in 1990. Yale University Press brings it to us now in an electrifying translation, accompanied by an indispensable introduction. (It ought to be added that an informative introduction can be found also in the new Penguin *Collected Stories*; but the reader's dependence on such piecemeal discussions only underscores the irritating absence of a formal biography.) In 1975 Ardis Publishers made available the first English translation of excerpts from the journal (*Isaac Babel: Forgotten Prose*). That such a manuscript existed had long been known in the Soviet Union, but there was plainly no chance of publication; Ehrenburg, in referring to it, was discreet about its contents.

The *Diary* may count, then, as a kind of secret document; certainly as a suppressed one. But it is "secret" in another sense as well. Though it served as raw material for the *Red Cavalry* stories, Babel himself, in transforming private notes into daring fiction, was less daring than he might have been. He was, in fact, circumspect and selective. One can move from the notes to the stories without surprise—or rather, the surprise is in the masterliness and shock of a ripe and radical style. Still, as Ehrenburg reported, "the events are all practically the same," and what is in the *Diary* is in the stories.

But one cannot begin with the stories and then move to the journal without the most acute recognition of what has been, substantively and for the most part, shut out of the fiction. And what has been shut out is the calamity (to say it in the most general way) of Jewish fate in Eastern Europe. The *Diary* records how the First Cavalry Army, and Babel with it, went storming through the little Jewish towns of Galicia, in Poland, towns that had endured the Great War, with many of their young men serving in the Polish Army, only to be decimated by pogroms immediately afterward, at the hands of the Poles themselves. And immediately after that, the invasion of the Red Cossacks.

The Yale edition of the *Diary* supplies maps showing the route of Budyonny's troops; the resonant names of these places, rendered half-romantic through the mystical tales of their legendary hasidic saints, rise up with the nauseous familiarity of their deaths: Brody, Dubno, Zhitomir, Belz, Chelm, Zamosc and so on. Only two decades after the Red Cossacks stampeded through them, their Jewish populations fell prey to the Germans and were destroyed. Riding and writing, writing and riding, Babel saw it all: saw it like a seer. "Ill-fated Galicia, ill-fated Jews," he wrote. "Can it be," he wrote, "that ours is the century in which they perish?"

True: everything that is in the stories is in the *Diary*—priest, painter, widow, gun-cart, soldier, prisoner; but the heart of the *Diary* remains secreted in the *Diary*. When all is said and done—and much is said and done in these blistering pages: pillaged churches, ruined synagogues, wild Russians, beaten Poles, mud, horses, hunger, looting, shooting—Babel's journal is a Jewish lamentation: a thing the Soviet system could not tolerate, and Ehrenburg was too prudent to reveal. The merciless minds that snuffed the identities of the murdered at Babi Yar would hardly sanction Babel's whole and bloody truths.

Nor did Babel himself publicly sanction them. The *Red Cavalry* narratives include six stories (out of thirty-five) that touch on the suffering of Jews; the headlong *Diary* contains scores. An act of authorial self-censorship, and not only because Babel was determined to be guarded. Impersonation, or call it reckless play, propelled him at all points. The *Diary* can muse, "The Slavs—the manure of history?"—but Babel came to the Cossacks disguised as a Slav, having assumed the name K. L. Lyutov, the name he assigns also to his narrator. And in the *Diary* itself, encountering terrified Polish Jews, he again and again steers them away from the knowledge that rides in his marrow, and fabricates deliberate revolutionary fairy tales (his word): he tells his trembling listeners how

> everything's changing for the better—my usual system—miraculous things are happening in Russia—express trains, free food for children, theaters, the International. They listen with delight and disbelief. I think—you'll have your diamond-studded sky, everything and everyone will be turned upside down and inside out for the umpteenth time, and [I] feel sorry for them.

"My usual system": perhaps it is kind to scatter false consolations among the doomed. Or else it is not kindness at all, merely a writer's mischief or a rider's diversion: the tormented mice of Galicia entertained by a cat in Cossack dress. Sometimes he is recognized (once by a child) as a Jew, and then he half-lies and explains that he has a Jewish mother. But mainly he is steadfast in the pretense of being Lyutov. And nervy: the *Diary* begins on June 3, in Zhitomir, and on July 12, one day before Babel's twenty-sixth birthday, he notes: "My first ride on horseback." In no time at all he is, at least on horseback, like all the others: a skilled and dauntless trooper. "The horse galloped well," he says on that first day.

Enchanted, proud, he looks around at his companions: "red flags, a powerful, well-knit body of men, confident commanders, calm and experienced eyes of topknotted Cossack fighting men, dust, silence, order, brass band." But moments later the calm and experienced eyes are searching out plunder in the neat



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cottage of an immigrant Czech family, "all good people." "I took nothing, although I could have," the new horseman comments. "I'll never be a real Budyonny man." The real Budyonny men are comely, striking, stalwart. Turning off a highway, Babel catches sight of "the brigades suddenly appear[ing], inexplicable beauty, an awesome force advancing." Another glimpse:

> Night ... horses are quietly snorting, they're all Kuban Cossacks here, they eat together, sleep together, a splendid silent comradeship ... they sing songs that sound like church music in lusty voices, their devotion to horses, beside each man a little heap—saddle, bridle, ornamental saber, greatcoat, I sleep in the midst of them.

Babel is small, his glasses are small and round, he sets down secret sentences. And meanwhile his dispatches, propaganda screeches regularly published in *Red Cavalryman*, have a different tone: "Soldiers of the Red Army, finish them off! Beat down harder on the opening covers of their stinking graves!" And: "That is what they are like, our heroic nurses! Caps off to the nurses! Soldiers and commanders, show respect to the nurses!" (In the *Diary* the dubious propagandist writes satirically, "Opening of the Second Congress of the Third International, unification of the peoples finally realized, now all is clear.... We shall advance into Europe and conquer the world.")

And always there is cruelty, and always there are the Jews. "Most of the rabbis have been exterminated." "The Jewish cemetery ... hundreds of years old, gravestones have toppled over ... overgrown with grass, it has seen Khmelnitsky, now Budyonny ... everything repeats itself, now that whole story—Poles, Cossacks, Jews—is repeating itself with stunning exactitude, the only new element is Communism." "They all say they're fighting for justice and they all loot." "Life is loathsome, murderers, it's unbearable, baseness and crime." "I ride along with them, begging the men not to massacre prisoners.... I couldn't look at their faces, they bayoneted some, shot others, bodies covered by corpses, they strip one man while they're shooting another, groans, screams, death rattles." "We are destroyers ... we move like a whirlwind, like a stream of lava, hated by everyone, life shatters, I am at a huge, never-ending service for the dead ... the sad senselessness of my life."

The Jews: "The Poles ransacked the place, then the Cossacks." "Hatred for the Poles is unanimous. They have looted, tortured, branded the pharmacist with a red-hot iron, put needles under his nails, pulled out his hair, all because somebody shot at a Polish officer." "The Jews ask me to use my influence to save them from ruin, they are being robbed of food and goods.... The cobbler had looked forward to Soviet rule—and what he sees are Jew-baiters and looters.... Organized looting of a stationer's shop, the proprietor in tears, they tear up everything.... When night comes the whole town will be looted—everybody knows it."

The Jews at the hands of the Poles: "A pogrom ... a naked, barely breathing prophet of an old man, an old woman butchered, a child with fingers chopped off, many people still breathing, stench of blood, everything turned upside down, chaos, a mother sitting over her sabered son, an old woman lying twisted up like a pretzel, four people in one hovel, filth, blood under a black beard, just lying there in the blood."

The Jews at the hands of the Bolsheviks: "Our men nonchalantly walking around looting whenever possible, stripping mangled corpses. The hatred is the same, the Cossacks just the same, it's nonsense to think one army is different from another. The life of these little towns. There's no salvation. Everyone destroys them." "Our men were looting last night, tossed out the Torah scrolls in the synagogue and took the velvet covers for saddlecloths. The military commissar's dispatch rider examines phylacteries, wants to take the straps." The *Diary* mourns, "What a mighty and marvelous life of a nation existed here. The fate of Jewry."

And then: "I am an outsider." And again: "I don't belong, I'm all alone, we ride on ... five minutes after our arrival the looting starts, women struggling, weeping and wailing, it's unbearable, I can't stand these never-ending horrors.... [I] snatch a flatcake out of the hands of a peasant woman's little boy." He does this mechanically, and without compunction. "How we eat," he explains. "Red troops arrive in a village, ransack the place, cook, stoves crackling all night, the householders' daughters have a hard time" (a comment we will know how to interpret). Babel grabs the child's flatcake—a snack on the fly—on August 3.

On July 25, nine days earlier, he and a riding companion, Prishchepa, a loutish syphilitic illiterate, have burst into a pious Jewish house in a town called Demidovka. It is the Sabbath, when lighting a fire is forbidden; it is also the eve of the Ninth of Av, a somber fast day commemorating the destruction of the Temple in Jerusalem. Prishchepa

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demands fried potatoes. The dignified mother, a flock of daughters in white stockings, a scholarly son, are all petrified: on the Sabbath, they protest, they cannot dig potatoes, and besides, the fast begins at sundown. "Fucking Yids," Prishchepa yells; so the potatoes are dug, the fire to cook them is lit.

Babel, a witness to this anguish, says nothing. "I keep quiet, because I'm a Russian." Will Prishchepa discover that Lyutov is only another Yid? "We eat like oxen, fried potatoes and five tumblersful of coffee each. We sweat, they keep serving us, all this is terrible, I tell them fairy tales about Bolshevism." Night comes, the mother sits on the floor and sobs, the son chants the liturgy for the Ninth of Av, Jeremiah's Lamentations: "they eat dung, their maidens are ravished, their menfolk killed, Israel subjugated." Babel hears and understands every Hebrew word. "Demidovka, night, Cossacks," he sums it up, "all just as it was when the Temple was destroyed. I go out to sleep in the yard, stinking and damp."

And there he is, New Soviet Man: stinking, a sewer of fairy tales, an unbeliever—and all the same complicit. Nathalie Babel said of her father that nothing "could shatter his feeling that he belonged to Russia and that he had to share the fate of his countrymen. What in so many people would have produced only fear and terror, awakened in him a sense of duty and a kind of blind heroism." In the brutal light of the *Diary*, violation upon violation, it is hard to yield to this point of view. Despair and an abyss of cynicism do not readily accord with a sense of duty; and whether or not Babel's travels with the Cossacks, and with Bolshevism altogether, deserve to be termed heroic, he was anything but blind. He saw, he saw, and he saw.

It may be that the habit of impersonation, the habit of deception, the habit of the mask, will in the end lead a man to become what he impersonates. Or it may be that the force of "I am an outsider" overwhelms the secret gratification of having got rid of a fixed identity. In any case, the *Diary* tells no lies. These scenes in a journal, linked by commas quicker than human breath, run like rapids through a gorge—on one side the unrestraint of violent men, on the other the bleaker freedom of unbelonging. Each side is subversive of the other; and still they embrace the selfsame river.

To venture yet another image, Babel's *Diary* stands as a tragic masterwork of breakneck cinematic "dailies," those raw, unedited rushes that expose the director to himself. If Trilling, who admitted to envy of the milder wilderness that was Hemingway, had read Babel's *Diary*—what then? And who, in our generation, should read the *Diary*? Novelists and poets, of course; specialists in Russian literature, obviously; American innocents who define the world of the '20s by jazz, flappers and Fitzgerald. And also those who protested Claude Lanzmann's *Shoah* as unfair to the psyche of the Polish countryside; but, most of all, the cruelly ignorant children of the left who still believe that the Marxist utopia requires for its realization only a more favorable venue, and another go.

No one knows when or exactly how Babel perished. Some suppose he was shot immediately after the NKVD picked him up and brought him to Moscow's Lyubanka Prison, on May 15, 1939. Others place the date of his murder in 1941, following months of torture. More than fifty years later, as if the writer were sending forth phantoms of his first and last furies, Babel's youthful *Diary* emerges. What it attests to above all is not simply that fairy tales can kill—who doesn't understand this?—but that Bolshevism was lethal in its very cradle.

Which is just what S., my ironical Muscovite cousin, found so pathetically funny when, laughing at our American stupidity, she went home to Communism's graveyard. •

# *Crabby & Evelyn*

**BY JOHN BANVILLE**

## Evelyn Waugh: A Biography by Selina Hastings

**(Houghton Mifflin, 723 pp., $40)**

At the very core of the English national character, the secret worm of despair gnaws constantly. This heartsickness may be disguised by rosy cheeks and well-cut tweeds, by displays of joviality and truculent common sense, but it will not be gainsaid. Some of the best of England's writers have chosen, with much profit, to explore this anguish at the center: Blake, and Keats and Hardy, and in our time Philip Larkin and Graham Greene. Yet it is perhaps the so-called comic writers who best capture the anomie that haunts the English soul: Lewis Carroll, Edward Lear, Chesterbelloc, John Betjeman and, especially, Evelyn Waugh.

Here is Waugh's portrait of himself shortly before he died:

> My life is roughly speaking over. I sleep badly except occasionally in the morning. I get up late. I try to read my letters. I try to read the paper. I have some gin. I try to read the paper again. I have some more gin. I try to think about my autobiography. Then I have some more gin and it's lunch time. That's my life. It's ghastly.

The falling off was not sudden. From childhood on, Waugh's days had been spent in constant, terrified and vain flight from boredom. He was a lonely child ("Ascension Day never passes," he wrote in 1947, "without my thinking of the day now thirty years ago at Lancing [his public school] which was the most miserable of my life") and a troubled adolescent. After a few brief years of bliss as a student at Oxford he married young and disastrously, a mistake that left his soul permanently scarred and that may, indeed, have unhinged his mind. There was a mad tinge to Waugh's anger and grief at this time, a hint of the serious bout of delusional paranoia he would suffer in middle age, which is chronicled in the surprisingly autobiographical novel, *The Ordeal of Gilbert Pinfold.* When he was in his 30s he married again, successfully, this time, and for a period in his middle years he was almost happy; and then his creativity deserted him.

The loss of his ability as an artist was fatal. Henry James wrote in his notebooks, "In literature we move through a blest world in which we know nothing except by style, but in which everything is saved by it." Waugh would have adapted the maxim by substituting the word "life" for "literature" and "curst" for "blest." He put his faith, and even his Faith, in the generative and redemptive power of words, and when words went dead on him, in his 60s, he ceased to be, in Oscar Wilde's grand formulation, a "lord of language." The world turned gray and he found himself, as Selina Hastings puts it, "drowning in melancholy, ill, aimless and miserable. He did no work, spending the day, he said, breathing on the library window, playing noughts and crosses and drinking gin."



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How to explain the continuing fascination that Waugh holds for us, as a man and a writer? Martin Stannard's recent two-volume biography, a superb work written in a clean, vigorous style befitting its subject, seemed the last word, but now here is Selina Hastings's hefty Life. Has she unearthed new material on Waugh, or found new things to say about him and his world? The answer is: not really. All the same her book is a valuable and fascinating biography, not displacing Stannard's but complementing it. Hastings has drawn a remarkable portrait of a remarkable figure.

Where Hastings is original is in her tone. All his life Waugh was in equal measure fascinated and frightened by women. He loved women, their looks, their manner, their conversation (he was not, I think, a great admirer of their minds), yet in his relations with them he encountered mostly failure, from the humiliating collapse of his first marriage through his hopeless pursuit of society beauties such as Olivia Plunkett Greene, Diana Guinness, and "Baby" Jungman, in the frenetic London of the '20s, to his clumsy, lovelorn dealings in middle age with his growing daughters. Posthumously, however, he has found in Selina Hastings a woman determined to do right by him, despite his attempts to hide behind the mask of a reactionary and a buffoon.

To those areas of Waugh's life where Stannard was impatient or condemnatory, Hastings brings an almost maternal considerateness. She is very good on his solitary and unhappy childhood, and devotes much attention to his relationships with his father Arthur, whom he despised, and his older brother Alec, the favorite of the family, whose academic and sporting success put Evelyn in the shade. (In adulthood, the critically acclaimed Evelyn would have his revenge on Alec the merely "popular" novelist.) Hastings is scrupulously fair in the matter of Waugh's first marriage, seeing clearly that the disaster was no one's fault, but the result of a hopeless immaturity on both sides. She is wise, too, in her portrait of Laura Herbert, Waugh's second wife, who pretended always to be the "white mouse" whom Waugh first spotted when he was over 30 and she was still in her teens, but who was in reality a tough, humorous and resourceful woman, and every bit a match for her increasingly eccentric and irascible husband.

The young Waugh has always been seen as misanthropic, loutish, drunken and cold. Certainly this is how he liked to present himself. Hastings does not waste much time, however, on this elaborately assembled disguise, pushing it aside without comment to reveal the sensitive creature hiding behind it. She quotes at length a very beautiful and heartbreaking love letter from Joyce Gill, a woman whom Waugh had known from his student days at Oxford, written after he had married for the second time:

> I think of you all the time when I am making love, until the word and Evelyn are almost synonymous! And in the darkness each night & in the greyness of each morning when I wake I remember your face—& your voice and your body and everything about you so earnestly and intensely that you become almost tangibly beside me.

A man who could provoke such love cannot have been the intolerant drunkard and religious reactionary of legend.

Waugh was born in London in 1903. His parents came from solid middle-class families of doctors and churchmen. Arthur Waugh was a cautious though successful publisher, a good and decent man whom Evelyn would come to despise precisely for his goodness and decency. Waugh liked people to be tough and single-minded and merciless, which is how he wished to see himself. In later years he compared his early home life to that described in *The Diary of a Nobody,* with his parents as Mr. and Mrs. Pooter and himself as their reprehensible son Lupin. He was sent to Lancing, a good though not first-rank public school, which he hated. There were compensations, though, notably the remarkable teacher J. F. Roxburgh:

> It was Roxburgh who exercised the greatest influence on that generation of Lancing boys. At 31 he had returned to teaching [from the Great War] a hero, having been mentioned in dispatches and recommended for a Military Cross. He enthralled his pupils with his handsome, sardonic features, his flamboyance and panache. He was a dandy with an extensive wardrobe of no less than fourteen suits, some of them in most unusual colors, and his many silk ties, it was widely believed, were specially woven for him in Spitalfields. Striding into chapel a carefully planned few minutes late, the gorgeous gown of his Licenciat ès Lettres from the Sorbonne billowing behind him, he flowed down the aisle, as one of his admirers remarked, like the Prince of Glory passing on his way.

After Lancing, Waugh went on to Oxford, which he adored, as *Brideshead Revisited* shows. "I can say little because I am too happy," he wrote to a friend who was still at school. "Life is good and Oxford is all that one dreams." He made exquisite friends, among them the aesthetes Brian Howard and Harold Acton, and was received into the Hypocrites Club, the membership of which consisted mainly of rowdy gays. Like most young Englishmen of his class and time, Waugh went through a not very serious homosexual phase. Tom Driberg, an enthusiastic homosexual who was later to become a Labor member of Parliament, recalled seeing Waugh at a club meeting rolling on a couch with another young man "with (as one of them said later) their tongues licking each other's tonsils," and the first time Anthony Powell saw Evelyn Waugh he was sitting on the knee of his friend Christopher Hollis. What larks.

Waugh's first Oxford love was Richard Pares, who was studying history at Balliol. They had a short but intensely passionate affair, until Pares left Waugh for Cyril Connolly. (Pares, like Connolly and Waugh, was later to return to a conventional heterosexuality.) Waugh's next affair, and one of the most important relationships of his life, was with Alastair Graham, a dreamy minor aristocrat. Graham was "both indolent and reclusive, indifferent to the material world, ascetic but at the same time profoundly sensual.... His sweet nature and a tone of flirtatious whimsy which he adopted when amorous made him all the more irresistible." He was the model, of course, for Sebastian Flyte in *Brideshead Revisited,* and the Grahams' house at Barford in Warwickshire, though it was "not a noble pile in a landscaped park," did have "claims to elegance and a kind of shabby, small scale grandeur with which Evelyn was not familiar and which served to provide him with a form of transition, an ideal introduction to the sort of upper class, country house life which ... was to exercise a potent and lifelong fascination."

After Oxford, which he left with a poor degree, and the withering of his affair with Graham, Waugh moved to London and enrolled in an art course, which was not a success. He fell in love with Olivia Plunkett Greene, the 18-year-old sister of two of his Oxford fellow-students, and this also was not a success. Olivia was a strange, ethereal creature devoted to sexual adventure and drink; an acquaintance described her as "a ghost with a glass of gin in her hand." Later in life she turned morbidly religious. Though she was promiscuous, especially so when drunk, she did not find Waugh attractive.

This was a very low period for Waugh. There was an urgent necessity for him to find a way of making a living, and eventually, with deep foreboding, he took a post as a teacher at Arnold House Preparatory School on the north coast of Wales. This grotesque establishment was the model for the hilariously awful



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Llanabba Castle in *Decline and Fall*. He did not stay there for long, and found another teaching job at a more nearly normal school in Buckinghamshire, from which eventually he was sacked, apparently for drunkenness. Waugh was not cut out to be a teacher.

He did not really know what he was cut out to be. He had started to write, and some short stories had been published, but he had not yet given up hope of being a painter. He also spent a brief, happy few months taking carpentry lessons with a view to embarking on a career as a cabinetmaker. He did some journalistic work, and began his first book, a life of the Pre-Raphaelite painter Dante Gabriel Rossetti, but the most important event of these years was his meeting Evelyn Gardner on April 7, 1927. (They would come to be known to their friends as He-Evelyn and She-Evelyn.)

A daughter of the late first Lord Burghclere, a Liberal politician, She-Evelyn was a quintessential '20s flapper: "like a china doll with a head full of sawdust," according to her friend Diana Guinness. Waugh fell for her straight off, and in defiance of opposition from She-Evelyn's mother, the formidable Dowager Lady Burghclere ("It never occurred to me to think I wasn't a gentleman until Lady Burghclere pointed it out," Waugh wrote), they married, on June 17, 1928.

"Neither Evelyn Waugh nor Evelyn Gardner had any realistic conception of what married life entailed," Hastings writes. "They were playing at marriage, and their flat and its cheerful accoutrements were their toys." They were both physically small, delicate, almost androgynous; a friend likened them to "a pair of squirrels—round-eyed and reddish nutkin colouring." They were inexperienced in love, and it seems that sex was a problem from the start, though Hastings is properly discreet on the matter. The marriage lasted little more than a year, and although its collapse caused great pain, at least to He-Evelyn, it is clear that they were well rid of each other.

It was in this time of uncertainty and misery, ironically, that Waugh was at last finding himself as a writer. With the Rossetti biography out of the way, in 1928 he embarked on, and quickly finished, what remains one of his finest novels, *Decline and Fall*, the brilliant, brittle and cruelly funny tale of Paul Pennyfeather, a modern Candide, making his perilous way through English high society and getting involved along with the way with crooks, cheats, murderers and the white slave trade. It was an immediate success, with reviewers and with readers. It was followed by *Vile Bodies*, another dazzling comedy, though not as successful, artistically or commercially, as its predecessor. Waugh had arrived.

With the collapse of his marriage, Waugh began what Hastings calls a "nomadic existence," which was to last for seven years. His restless travels took him to Africa and South America, and provided him with material for two travel books and a number of novels, notably *Scoop*, the savage satire on journalism, and *Black Mischief*, funny, grotesque and deeply reactionary. At this time, too, his thoughts were turning ever more strongly to religion, and especially to the Catholic Church. The question of Waugh's Catholicism has always been something of a puzzle, especially for those who were not brought up in that creed. Waugh viewed existence with a Manichean eye, and feared for himself and his soul in a fallen and still falling world. The Church, Hastings points out, "offered a safe and solid structure, a discipline, an ordered way of life, which once adopted held out a clear prospect of salvation." As he himself wrote, "the essential issue is no longer between Catholicism, on one side, and Protestantism, on the other, but between Christianity and Chaos."

Waugh entered the Church in 1930, like a wounded son falling into his mother's arms. In the end, however, he withdrew from this embrace which, to him, had grown cold. Although he retained his faith, he disapproved deeply of the changes brought about during the liberalizing papacy of John XXIII. There is a story, not detailed in this biography, of Waugh meeting Pope John and haranguing him about the pernicious effects of the Second Vatican Council, until the Pope put a gently restraining hand on his arm and said, "But Mr. Waugh, I, too, am a Catholic."

Another strongly sustaining force in Waugh's middle years was his marriage to Laura Herbert. In 1934, on a trip to Morocco, he began work on *A Handful of Dust*, which many, among whom I am not included, consider his masterpiece. The story of the gullible Tony Last and his betrayal by his wife Brenda is, as Hastings says, "rooted in Waugh's rage at the annihilation of his own happiness by Evelyn Gardner." When that novel was finished,

## *At a Lecture*

Since mistakes are inevitable, I can easily be taken
for a man standing before you in this room filled
with yourselves. Yet in about one hour
this will be corrected, at your and at my expense,
and the place will be reclaimed by elemental particles
free from the rigidity of a particular human shape
or type of assembly. Some particles are still free. It's not all dust.

So my unwillingness to admit it's I
facing you now, or the other way around,
has less to do with my modesty or solipsism
than with my respect for the premises' instant future,
for those aforementioned free-floating particles
settling upon the shining surface
of my brain. Inaccessible to a wet cloth eager to wipe them off.

The most interesting thing about emptiness
is that it is preceded by fullness.
The first to understand this were, I believe, the Greek
gods, whose forte indeed was absence.
Regard, then, yourselves as rehearsing perhaps for the divine encore,
with me playing obviously to the gallery.
We all act out of vanity. But I am in a hurry.

Once you know the future, you can make it come
earlier. The way it's done by statues or by one's furniture.
Self-effacement is not a virtue
but a necessity, recognized most often
toward evening. Though numerically it is easier
not to be me than not to be you. As a swan confessed
to a lake: I don't like myself. But you are welcome to my reflections.

**JOSEPH BRODSKY**



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he found himself staying as a guest at Pixton, the Somerset home of the Herberts, a family of Anglo-Irish aristocrats. The house was jolly and warmly chaotic, and Waugh fell for it at once. He also, he told a friend, "took a *great* fancy to a young lady named Laura."

She was 18, he was 31. He began seriously to woo her, while waiting for Rome to free him from his marriage to Evelyn. The annulment was a long time coming. The delay was increased by Laura's mother, who had grave doubts about the prospect of this strange, fierce little man—a Mr. Hyde with no Dr. Jekyll to curb him—taking away her teenage daughter. But the wedding finally took place in April 1937. The marriage was probably the saving of Waugh. Laura was everything he wanted in a woman: retiring though capable, slyly humorous, apparently docile though tough and honorable as only he believed an aristocrat could be. At once she began to bear him children, and continued to do so, to his mingled happiness and dismay, for many years; they had six. Waugh bought a beautiful house called Piers Court in the Cotswold Hills, and settled down to the life of a successful author and country gentleman.

When war came. Waugh regarded the battle against Hitler as a modern version of one of the great Christian crusades. Although he was firmly a man of the right, and he feared communism as much as fascism, Waugh saw clearly the threat of barbarism that Nazism represented. He used whatever influence he could to get himself into the army, though he was too old for soldiering and had no gift for it. (At one point his superiors curbed his activities for fear that the men under his command might murder him.) He had a "bad war," spent mostly in futile training for campaigns that never materialized, and ending up in Yugoslavia along with Randolph Churchill, the two men acting as military liaison between the British Army and Tito's partisans. (He loathed Tito, and at one stage of dealings with him put it about that Tito was in fact a woman in drag. Tito was not amused.) His experiences in the army, however farcical or dishonorable, formed the basis for one of the greatest works of literature to come out of the Second World War, the *Sword of Honour* trilogy: *Men at Arms, Officers and Gentlemen* and *Unconditional Surrender*, which together provide an account of the war that is at once hilarious, elegiac, farcical and moving.

The postwar world was not to Waugh's taste. He mourned the lost hegemony of the upper classes, and despised the spread of democracy as represented by the new Labor government that swept to power in 1945. *Brideshead Revisited*, which he began in 1940, was his threnody for the Golden Age of his youth. The war trilogy, on the other hand, is a beautifully wrought expression of disgust at what he considered the shameful compromises of the war and the collapse of values that followed it. He continued to write, to travel—notably, and profitably, to the United States; but his heart was increasingly troubled. Gradually, irremediably, he gave way to despair. Late on the morning of Easter Sunday, 1966, he collapsed and died at his home, Combe Florey, in Somerset. He was 63.

How will Waugh be remembered as an artist? He was a superb minor novelist, in a great tradition produced by English life, which is essentially domestic and middle class, as is the novel form itself. He assembled the elements of his books with the diligence and the care for detail of the craftsman that he always considered himself to be. "Do remember," he said to a fellow writer, "it is much harder to write a book than to make a watch. There are many more good watches in the world than good books. You must give the same intent care to writing Patek Phillippe gives to watchmaking." His deep concern was with language: "I regard writing not as investigation of character, but as an exercise in the use of language, and with this I am obsessed. I have no technical psychological interest. It is drama, speech and events that interest me." Although the poised aloofness of this may owe more to his aristocratic pretensions than to his aesthetics, I believe it is a fair if incomplete characterization of his methods and of his work. Like all literary artists, as distinct from novelists (and there *is* a distinction), he knew that the psychological interest of fiction is always secondary to the artist's covert aim, which is to produce not social documents or moral tracts, but molded, burnished and finished works of art. Although he probably never read any of his works, Waugh would have understood precisely what Kafka meant by the gnomic aphorism: "Never again psychology!"

Will Waugh's work live? One or two of the comedies, I believe, will survive—*Decline and Fall* and *Put out More Flags*—and the war trilogy. As a man, he was quintessentially English—stubborn, class-obsessed, honorable, detached and despairing. And he was unfathomably strange.

JOHN BANVILLE is literary editor of *The Irish Times*. His latest novel, *Athena*, will be published by Knopf this spring.

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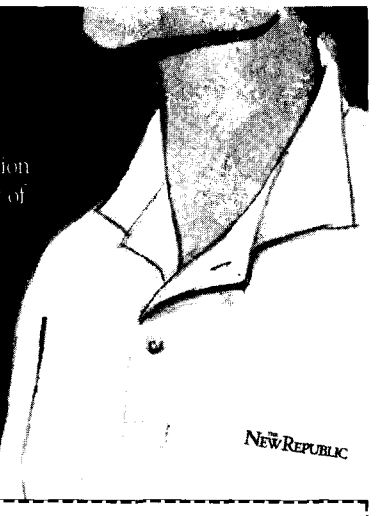


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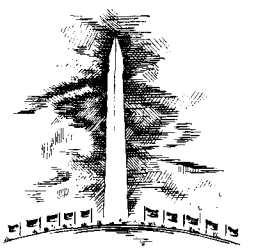
# WASHINGTON DIARIST

## Chickenhawk

"HE'S JUST LIKE A FLOWER IN bloom. He's at that perfect stage, in which he is hermaphroditic.... He's in that wonderful limbo between being a child and an adolescent—he's certainly an adolescent, but he has that weird feminine grace about him." This paean to a fetching youth is sung by every mother's worst nightmare—a pudgy, fifty-something self-proclaimed pedophile. He is Leyland Stevenson, the star of *Chickenhawk*, a riveting documentary about the dreaded North American Man/Boy Love Association, or NAMBLA. The producers of the film, an independent company called Film Threat Video, have the unenviable task of de-vilifying their reviled subjects. And if my experience trying to see the film is typical, even the few theaters willing to show the film extend a cold hand. Our local alternative movie house, although it doubles as a porn theater by day, was embarrassed to hold its usual press screenings or take out ads. Instead, the theater showed *Chickenhawk* for two nights, hoping no one would notice, then hid it away in the basement. Gay video distributors refused to stock the film, fearing they would trigger sinister associations between homosexuality and pedophilia. I only found out about it when a press release came over the fax machine. Luckily, it will finally be released on home video next month.

IT'S WORTH SEEING. DESPITE THE obstacles, the film succeeds, at least partially, in making monsters human. There are no steamy orgies, or bound-up boys languishing in NAMBLA's basement. The 1,500 member organization, founded in 1979, functions mainly as a support group for fantasizers, with the requisite forums for victim-bonding. There are roundtables where the men hug and exchange persecution stories, and bulletins written in tones of righteous indignation. There are also the normal pleas for subscriptions (go ahead, take the plunge). The art in the bulletin is a joke on censors. The pages feature a collection of Kodak-moments—two boys on a fishing boat squinching in the sun, one boy in a bathing suit leaping backwards into a lake, a boy in shorts playing in the sand—in short, a typical Bruce Weber portfolio. Group policy strictly forbids contact with live boys or even illicit pictures on the premises; any frustrated members annoyed with NAMBLA for not providing the forbidden fruit are answered in stern legalese: "Dear Friends: Please be advised that police and postal inspectors from this and other countries make a living by entrapping boy lovers who are desperate for the kind of materials you enquire about."

THERE IS SOME BRAVERY IN NAMBLA members keeping all their activities above board (their phone number in New York is published). After all, it is still heresy even to consider the possibility of the legitimacy of their feelings. The taboo has gotten even stronger of late. Two years ago, after the infamous *Knox* case, President Clinton was cowed into taking a courageous stand against "softness on child pornography," after the Senate voted 100-0 to condemn the Justice Department for its narrow (and completely accurate) interpretation of the anti-pornography statute. As part of the Contract with America, the House passed this year, 417-0, the Sexual Crimes Against Children Prevention Act, which toughens sentences for child pornographers.



SOME OF THE MOVIE SUPPORTS this anathematization of pedophile attraction. Leyland, for example, sees a come-on in every little boy's smile. As he recounts casual conversations with boys, he describes how they flirted with him, when it's obvious this is the furthest thing from their minds. Take Leyland's version of the time he gave a ride to two local boys, the subject of his earlier paean and the boy's little brother: "Mike was 12, Anthony 13. I was driving along a road in West Virginia, and the wonderful thing about it was it was no fuss at all." (Here the camera closes in on his fleshy jowls.) "Both went out of their way to flirt, in their own way, with me.... They flirted in a very flagrant but wonderful way, that made it completely obvious that they were flirting in a sexual way, because this is their nature." Cut to the ruddy-cheeked, clean-cut boys, shooting hoops in their driveway. Here's Anthony: "We knew he was kinda weird.... He was asking us questions like, like all kinds of stupid questions and every time we'd say something to him he'd take out a piece of paper and write it down." Hearing that, it becomes easier to sympathize with one West Virginian father, who warns: "I'd probably kill him. Honest I would. If he were to bother my kids."

BUT ELSEWHERE, THE MOVIE PROvokes more subversive thoughts. Is it plausible, for example, that a teenage boy might agree to sex with an older man? The film places the practice in immemorial convention, offering the Spartans, the Greeks, the Samurais and the tribes of New Guinea as cultures where men initiate boys into the ways of the world. And in the Netherlands, the age of consent is 16, although adults are not prosecuted if the child is older than 12. There are other examples. Leyland describes how a few years ago, he struck up a friendship with a teenage boy he met on the beach "who was very responsive to my friendship." They went on a camping trip, "arranged by him [the boy], in which the intent was to achieve intimacy. This was his idea." To get his wish, the boy zipped together the two sleeping bags, "so no barrier to creation of this experience would exist." That night, under the stars, Leyland realizes his sweetest reverie, as he dreamily recounts in excruciating detail.

MAYBE LEYLAND IS once again manipulating the memory. But at least the objects of his lust we do meet never accuse him of accosting or even touching them. Though we never see the boy he went camping with, it's possible to imagine a timid gay teen shyly seeking his first experience with an older man. It might even be that a budding young stud had the upper hand over the aging, overweight loner. One NAMBLA member in his 20s, an enticing blond with slits for blue eyes, describes a sexual experience he had with a karate instructor when he was 10. "I came on to him. I knew what I was doing. I felt very empowered. I felt I controlled the relationship, which is a good thing for a kid. It dispels the belief that adults are always in power in such relationships. You know, I led him around. I was the one in power."

OBVIOUSLY, IT'S A RARE INSTANCE where even an older teen might consent. With younger teens, and certainly children, the question of consent itself is shady—children are always eager to please, and all sorts of creeps are ready to exploit. Many of NAMBLA's members have served jail time, including Leyland, who was caught carrying kiddie porn photos taken in India. But is the idea of mutual consent so absurd? As one NAMBLA member puts it, "I think children in this society should be treated in a different way. Children are human beings. They need responsibility, love and recognition." Certainly a self-serving view, but still plausibly on the continuum of, say, a defense of children's legal autonomy.

**HANNA ROSIN**



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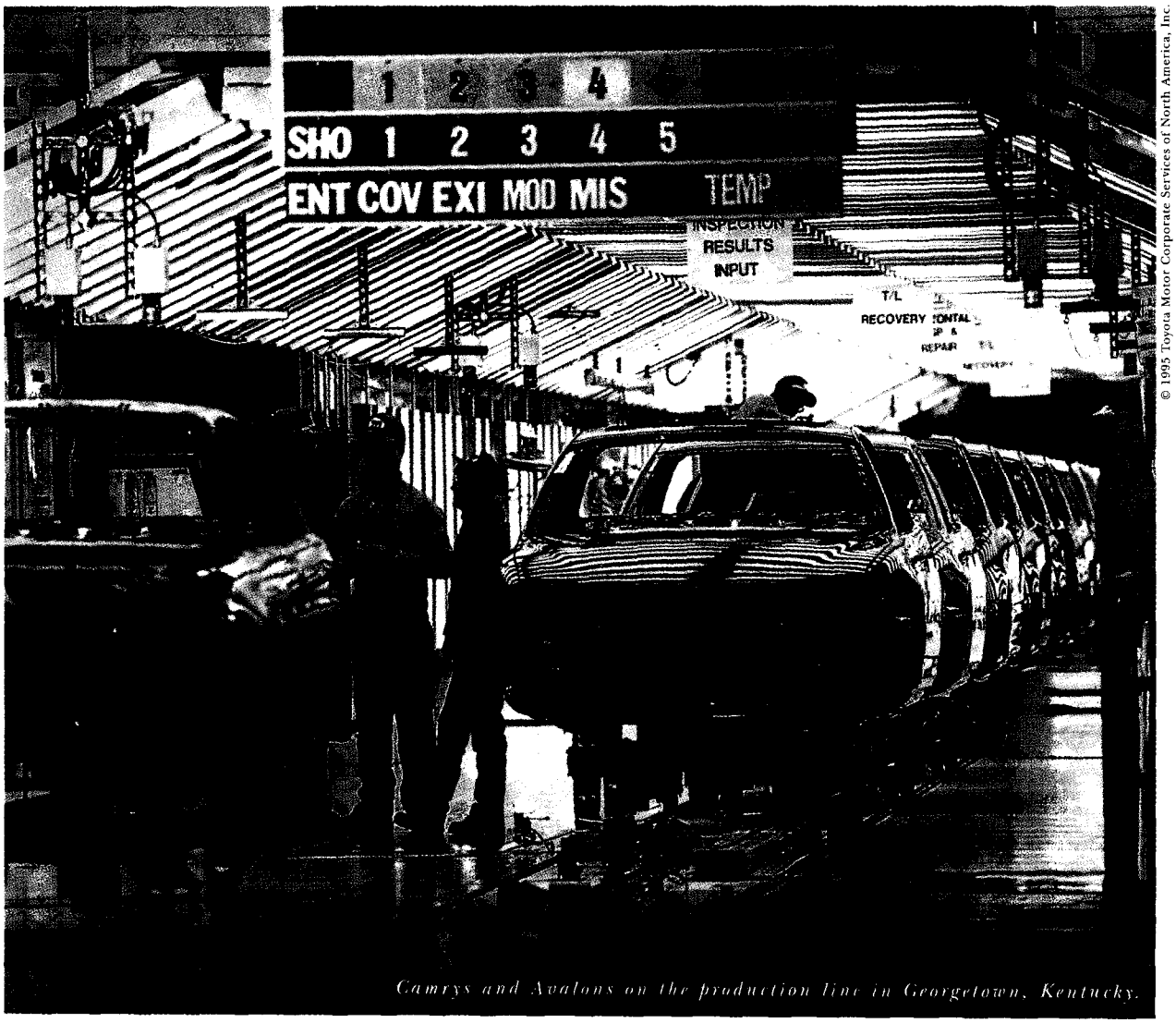


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